

Senate Study Bill 1070 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to the public disclosure of information
2 regarding founded child abuse involving a child fatality or
3 near fatality.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235A.15, subsection 10, Code 2017, is
2 amended to read as follows:

3 10. The information released by the director of human
4 services or the director's designee pursuant to a request made
5 under subsection 9 relating to a case of founded child abuse
6 involving a fatality or near fatality to a child shall include
7 all of the following, unless such information is excepted from
8 disclosure under subsection 9:

9 a. Any relevant child abuse information concerning the
10 cause of and circumstances surrounding the child fatality or
11 near fatality, including the age and gender of the child or the
12 child's family and the department's response and findings.

13 b. Information describing any previous child abuse or
14 neglect investigations of the caregivers responsible for the
15 child abuse or neglect that are pertinent to the child abuse or
16 neglect that led to the child fatality or near fatality, and
17 the results of any such investigations.

18 ~~b.~~ c. A summary of information, that would otherwise be
19 confidential under section 217.30, as to whether or not the
20 child or a member of the child's family was utilizing social
21 services provided by the department at the time of the child
22 fatality or near fatality or within the five-year period
23 preceding the fatality or near fatality.

24 ~~c.~~ d. Any recommendations made by the department to the
25 county attorney or the juvenile court.

26 ~~d.~~ e. ~~If applicable, a summary of an evaluation of the~~
27 ~~department's responses in the case.~~ The services provided
28 by and actions of the state on behalf of the child that are
29 pertinent to the child abuse or neglect that led to the child
30 fatality or near fatality.

31 Sec. 2. Section 235A.15, subsection 11, paragraph b, Code
32 2017, is amended to read as follows:

33 b. If release of social services information in addition
34 to that released under subsection 10, paragraph ~~"b"~~ "c", is
35 believed to be in the public's interest and right to know,

1 the director of human services or the director's designee may
2 apply to the court under [section 235A.24](#) requesting a review of
3 the information proposed for release and an order authorizing
4 release of the information. A release of information that
5 would otherwise be confidential under [section 217.30](#) concerning
6 social services provided to the child or the child's family
7 shall not include information concerning financial or medical
8 assistance provided to the child or the child's family.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to information released by the department
13 of human services pursuant to a request from the public in
14 circumstances of a fatality or near fatality of a child in
15 founded child abuse cases.

16 The bill replaces general language requiring disclosure of
17 any relevant child abuse information concerning the child or
18 the child's family with language requiring disclosure of any
19 relevant child abuse information concerning the cause of and
20 circumstances surrounding the child fatality or near fatality,
21 including the age and gender of the child.

22 The bill also requires the disclosure of information
23 describing any pertinent previous investigations of the
24 responsible caregivers for child abuse or child neglect before
25 the child fatality or near fatality, and the results of any
26 such investigations.

27 In addition, the bill includes any services or actions the
28 state took on behalf of the child that are pertinent to the
29 child fatality or near fatality as part of the information
30 required to be disclosed.