

House File 2386 - Introduced

HOUSE FILE 2386
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2042)

A BILL FOR

1 An Act relating to disclosure of psychological test material.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 228.9, Code 2022, is amended to read as
2 follows:

3 **228.9 Disclosure of psychological test material.**

4 1. Except as otherwise provided in [this section](#), a person in
5 possession of psychological test material shall not disclose
6 the material to any other person, including the individual
7 who is a subject of the test. In addition, the test material
8 shall not be disclosed in any administrative, judicial, or
9 legislative proceeding. ~~However, upon~~

10 2. Upon the request of an individual who is the subject of
11 a test, all records associated with a psychological test of
12 that individual shall be disclosed to a psychologist licensed
13 pursuant to [chapter 154B](#) designated by the individual. An
14 individual's request for the records shall be in writing and
15 shall comply with the requirements of [section 228.3](#), relating
16 to voluntary disclosures of mental health information, except
17 that the individual shall not have the right to inspect the
18 test materials.

19 3. Unless otherwise ordered by a court, subsection 1 shall
20 not apply in a civil action if a demand for psychological test
21 material has been made pursuant to a discovery request or a
22 subpoena issued in litigation and the cognitive abilities of
23 the individual who is the subject of the test are at issue in
24 the litigation.

25 4. If a court, in a civil action involving sexual abuse,
26 receives test material from the subject of the test, the
27 psychological test material shall be sealed by a protective
28 order and barred from disclosure to any person not directly
29 involved in the litigation.

30 EXPLANATION

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

33 This bill relates to disclosures of psychological test
34 material.

35 The bill allows a person in possession of psychological test

1 material, unless otherwise ordered by a court, to disclose
2 the psychological test material of an individual if a demand
3 for psychological test material has been made pursuant to a
4 discovery request or a subpoena issued in litigation in a civil
5 action and the cognitive abilities of the individual who is the
6 subject of the test are at issue in the litigation.

7 The bill provides that a court shall seal psychological
8 test material by a protective order and bar such material
9 from disclosure to any person not directly involved in the
10 litigation if, in a civil action involving sexual abuse, the
11 court receives such material from the subject of the test.