

MAR 15 2005
Place On Calendar

HOUSE FILE 769
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 184)

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

A BILL FOR

1 An Act requiring the department of human services to propose
2 options for expediting the department's response to requests
3 for correction of child abuse data or findings and providing
4 an effective date.

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

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HF 769

1 Section 1. REQUESTS FOR CORRECTION OF CHILD ABUSE DATA OR
2 FINDINGS. The department of human services shall develop and
3 propose options for expediting the department's response to
4 requests for correction of child abuse data or findings filed
5 by a subject of a child abuse report under section 235A.19 and
6 for expediting subsequent evidentiary administrative law
7 hearings. The options considered by the department shall
8 include but are not limited to providing for a review of a
9 request by child abuse assessment staff who are located in a
10 different department region than the staff who conducted the
11 child abuse assessment that generated the request. The
12 department shall report to the co-chairpersons, chairpersons,
13 and ranking members of the committees on human resources of
14 the senate and the house of representatives on or before July
15 1, 2005, providing the proposed options.

16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill requires the department of human services to
20 develop and propose options for expediting the department's
21 response to requests made to the department for correction of
22 child abuse data or findings and for expediting subsequent
23 evidentiary administrative law hearings. The department is
24 required to report to the co-chairpersons, chairpersons, and
25 ranking members of the committees on human resources of the
26 senate and house of representatives on or before July 1, 2005.

27 Under current law in Code section 235A.19, within six
28 months of receiving notice of the results of a child abuse
29 report, a subject of the report may file with the department a
30 request for correction of the child abuse data or the findings
31 of the child abuse assessment report. Unless the department
32 corrects the data or findings as requested, the department
33 must provide the subject with an opportunity for an
34 evidentiary hearing under Code chapter 17A.

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HOUSE FILE 769

H-1159

1 Amend House File 769 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 232.69, subsection 1,
5 paragraph b, Code 2005, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (13) An employee or operator of
8 a provider of services to children funded under a
9 federally approved medical assistance home and
10 community-based services waiver.

11 Sec. 2. Section 232.71D, subsection 3, paragraph
12 i, Code 2005, is amended by striking the paragraph.

13 Sec. 3. Section 235A.15, subsection 2, paragraph
14 b, subparagraph (9), Code 2005, is amended by striking
15 the subparagraph.

16 Sec. 4. Section 235A.15, subsection 2, paragraph
17 c, Code 2005, is amended by adding the following new
18 subparagraphs:

19 NEW SUBPARAGRAPH. (12) To an area education
20 agency or other person responsible for providing early
21 intervention services to children that is funded under
22 part C of the federal Individuals with Disabilities
23 Education Act.

24 NEW SUBPARAGRAPH. (13) To a federal, state, or
25 local governmental unit, or agent of the unit, that
26 has a need for the information in order to carry out
27 its responsibilities under law to protect children
28 from abuse and neglect.

29 Sec. 5. Section 235A.15, subsection 2, paragraph
30 e, Code 2005, is amended by adding the following new
31 subparagraph:

32 NEW SUBPARAGRAPH. (18) To a person or agency
33 responsible for the care or supervision of a child
34 named in a report as an alleged victim of abuse or a
35 person named in a report as having allegedly abused a
36 child, if the juvenile court or department deems
37 access to report data and disposition data by the
38 person or agency to be necessary.

39 Sec. 6. Section 235A.15, subsection 3, paragraphs
40 b and c, Code 2005, are amended to read as follows:

41 b. Persons involved in an assessment of child
42 abuse identified in subsection 2, paragraph "b",
43 subparagraphs (2), (3), (4), (6), and (7), and (9).

44 c. Others identified in subsection 2, paragraph
45 "e", subparagraphs (2), (3), and (6), and (18).

46 Sec. 7. Section 235A.15, subsection 4, paragraph
47 c, Code 2005, is amended to read as follows:

48 c. Others identified in subsection 2, paragraph
49 "e", subparagraphs (2) and (18).

50 Sec. 8. Section 235A.19, subsection 2, paragraph

H-1159

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Page 2

1 b, Code 2005, is amended by adding the following new
2 subparagraph:

3 NEW SUBPARAGRAPH. (9) For others identified in
4 section 235A.15, subsection 2, paragraph "d",
5 subparagraph (7), and paragraph "e", subparagraphs (9)
6 and (16)."

7 2. Title page, by striking lines 1 through 4 and
8 inserting the following: "An Act relating to child
9 abuse reporting and registry requirements."

By ROBERTS of Carroll
SMITH of Marshall

H-1159 FILED MARCH 22, 2005

HOUSE FILE 769
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 184)

(As Amended and Passed by the House March 23, 2005)

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

A BILL FOR

1 An Act relating to child abuse reporting and registry
2 requirements.

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

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5 All New Language

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HF 769

jp/es/25

1 Section 1. Section 232.69, subsection 1, paragraph b, Code
2 2005, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (13) An employee or operator of a
4 provider of services to children funded under a federally
5 approved medical assistance home and community-based services
6 waiver.

7 Sec. 2. Section 232.71D, subsection 3, paragraph i, Code
8 2005, is amended by striking the paragraph.

9 Sec. 3. Section 235A.15, subsection 2, paragraph b,
10 subparagraph (9), Code 2005, is amended by striking the
11 subparagraph.

12 Sec. 4. Section 235A.15, subsection 2, paragraph c, Code
13 2005, is amended by adding the following new subparagraphs:

14 NEW SUBPARAGRAPH. (12) To an area education agency or
15 other person responsible for providing early intervention
16 services to children that is funded under part C of the
17 federal Individuals with Disabilities Education Act.

18 NEW SUBPARAGRAPH. (13) To a federal, state, or local
19 governmental unit, or agent of the unit, that has a need for
20 the information in order to carry out its responsibilities
21 under law to protect children from abuse and neglect.

22 Sec. 5. Section 235A.15, subsection 2, paragraph e, Code
23 2005, is amended by adding the following new subparagraph:

24 NEW SUBPARAGRAPH. (18) To a person or agency responsible
25 for the care or supervision of a child named in a report as an
26 alleged victim of abuse or a person named in a report as
27 having allegedly abused a child, if the juvenile court or
28 department deems access to report data and disposition data by
29 the person or agency to be necessary.

30 Sec. 6. Section 235A.15, subsection 3, paragraphs b and c,
31 Code 2005, are amended to read as follows:

32 b. Persons involved in an assessment of child abuse
33 identified in subsection 2, paragraph "b", subparagraphs (2),
34 (3), (4), (6), and (7) ~~and (9)~~.

35 c. Others identified in subsection 2, paragraph "e",

1 subparagraphs (2), (3), and (6), and (18).

2 Sec. 7. Section 235A.15, subsection 4, paragraph c, Code
3 2005, is amended to read as follows:

4 c. Others identified in subsection 2, paragraph "e",
5 subparagraph subparagraphs (2) and (18).

6 Sec. 8. Section 235A.19, subsection 2, paragraph b, Code
7 2005, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (9) For others identified in section
9 235A.15, subsection 2, paragraph "d", subparagraph (7), and
10 paragraph "e", subparagraphs (9) and (16).

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*Roberts
Hutter
Smith*

Succeeded by
SF 0769

HSB 184
HUMAN RESOURCES

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON UPMEYER)

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

A BILL FOR

1 An Act relating to requests for correction of child abuse data or
2 findings by establishing a time frame and procedure for
3 addressing the requests.

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

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1 Section 1. Section 235A.19, subsection 2, paragraph a,
2 Code 2005, is amended to read as follows:

3 a. A subject of a child abuse report may file with the
4 department within six months of the date of the notice of the
5 results of an assessment performed in accordance with section
6 232.71B, a written statement to the effect that report data
7 and disposition data referring to the subject is in whole or
8 in part erroneous, and may request a correction of that data
9 or of the findings of the assessment report. The Within
10 ninety days of the filing of the request the department shall
11 respond to the subject in writing, either correcting the data
12 or findings identified in the request in whole or in part or
13 denying the request in whole or in part. The reasons for a
14 denial shall be stated in the response. At the request of the
15 subject, the department shall promptly provide the subject
16 with an opportunity for an evidentiary hearing pursuant to
17 chapter 17A to ~~correct-the-data-or-the-findings, unless the~~
18 ~~department corrects the data or findings as requested~~ contest
19 the denial. The However, the department may defer the hearing
20 until the conclusion of a pending juvenile or district court
21 case relating to the data or findings. Judicial review of the
22 department's final decision shall be available pursuant to the
23 provisions of section 17A.19.

24 EXPLANATION

25 This bill relates to requests made to the department of
26 human services for correction of child abuse data or findings
27 by establishing a time frame and procedure for addressing the
28 requests.

29 Under current law, within six months of receiving notice of
30 the results of a child abuse report, a subject of the report
31 may file with the department a request for correction of the
32 child abuse data or the findings of the child abuse assessment
33 report. Unless the department corrects the data or findings
34 as requested, the department must provide the subject with an
35 opportunity for an evidentiary hearing under Code chapter 17A.

1 The bill requires the department to respond to the request
2 in writing within 90 days, either correcting the data or
3 findings identified in the request in whole or in part or
4 denying the request in whole or in part. The reasons for a
5 denial must be stated in the response. If requested by a
6 subject, the department must promptly provide the subject with
7 an evidentiary hearing to contest the denial. Once there is a
8 final decision from the department, the subject has an
9 opportunity for judicial review as provided in Code section
10 17A.19. Code section 17A.19 establishes the process by which
11 an agency's final decision may be contested in court.

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