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HSB 602

Succeeded By
SF/HB 2559

HUMAN RESOURCES

SENATE/HOUSE FILE _____

BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child protection confidentiality requirements
2 involving the department of human services.

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

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1 Section 1. Section 217.30, subsection 4, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. Information described in subsection 1,
4 paragraphs "a", "b", and "c", is subject to disclosure in
5 accordance with section 235A.15, subsection 10.

6 Sec. 2. Section 235A.12, Code 2001, is amended to read as
7 follows:

8 235A.12 LEGISLATIVE FINDINGS AND PURPOSES.

9 1. The general assembly finds and declares that a central
10 registry is required to provide a single source for the ~~state-~~
11 ~~wide~~ statewide collection, maintenance, and dissemination of
12 child abuse information. ~~Such-a~~ The existence of the central
13 registry is imperative for increased effectiveness in dealing
14 with the problem of child abuse. The general assembly also
15 finds that vigorous protection of rights of individual privacy
16 is an indispensable element of a fair and effective system of
17 collecting, maintaining and disseminating child abuse
18 information.

19 2. The purposes of this section and sections 235A.13 to
20 ~~235A.23~~ through 235A.24 are to facilitate the identification
21 of victims or potential victims of child abuse by making
22 available a single, statewide source of child abuse data; to
23 facilitate research on child abuse by making available a
24 single, statewide source of child abuse data; and to provide
25 maximum safeguards against the unwarranted invasions of
26 privacy which such a registry might otherwise entail.

27 Sec. 3. Section 235A.13, subsection 9, Code 2001, is
28 amended to read as follows:

29 9. "Near fatality" means ~~a-bodily an injury which-involves~~
30 ~~substantial-risk-of-death,-protracted-and-obvious~~
31 ~~disfigurement,-or-protracted-loss-or-impairment-of-the~~
32 ~~function-of-a-bodily-member,-organ,-or-mental-faculty-and~~
33 ~~includes-a-serious-bodily-injury-as-described-in-section~~
34 ~~702-10~~ to a child that, as certified by a physician, placed
35 the child in serious or critical condition.

1 Sec. 4. Section 235A.15, subsections 7 and 8, Code
2 Supplement 2001, are amended to read as follows:

3 ~~7.--Upon the request of a person listed in this subsection,~~
4 ~~child abuse information relating to a specific case of child~~
5 ~~abuse involving a fatality or near fatality to a child and~~
6 ~~reported to the department shall be disclosed to that person~~
7 ~~by the director of human services.--The purpose of the~~
8 ~~disclosure is to provide for oversight of the department and~~
9 ~~others involved with the state's child protection system in~~
10 ~~order to improve the system.--After completing a review of the~~
11 ~~child abuse information received, an authorized requester may~~
12 ~~issue a report to the governor regarding the specific case of~~
13 ~~child abuse.--The following persons are authorized to make a~~
14 ~~request and receive child abuse information under this section~~
15 ~~relating to a specific case of child abuse involving a~~
16 ~~fatality or near fatality to a child:~~

- 17 a.--The governor or the governor's designee.
- 18 b.--The member of the senate or employee of the general
19 assembly designated by the majority leader or minority leader
20 of the senate.
- 21 c.--The member of the house of representatives or employee
22 of the general assembly designated by the speaker or minority
23 leader of the house of representatives.

24 7. If the director of human services receives a written
25 request for information regarding a specific case of child
26 abuse involving a fatality or near fatality to a child from
27 the majority or minority leader of the senate or the speaker
28 or the minority leader of the house of representatives, the
29 director or the director's designee shall arrange for a
30 confidential meeting with the requestor or the requestor's
31 designee. In the confidential meeting the director or the
32 director's designee shall share all pertinent information
33 concerning the case, including but not limited to child abuse
34 information. Any written document distributed by the director
35 or the director's designee at the confidential meeting shall

1 not be removed from the meeting and a participant in the
2 meeting shall be subject to the restriction on redissemination
3 of confidential information applicable to a person under
4 section 235A.17, subsection 3, for confidential information
5 disclosed to the participant at the meeting. A participant in
6 the meeting may issue a report to the governor or make general
7 public statements concerning the department's handling of the
8 case of child abuse.

9 8. Upon the request of the governor, the department shall
10 disclose child abuse information to the governor or the
11 governor's designee relating to a specific case of child abuse
12 reported to the department.

13 Sec. 5. Section 235A.15, subsection 9, unnumbered
14 paragraph 1, Code Supplement 2001, is amended to read as
15 follows:

16 If, apart from a request made pursuant to subsection 7 or
17 8, the department receives from a member of the public a
18 request for child-abuse information relating to a case of
19 founded child abuse involving a fatality or near fatality to a
20 child, the response to the request shall be made in accordance
21 with this subsection and subsections 10 and 11. If the
22 request is received before or during performance of an
23 assessment of the case in accordance with section 232.71B, the
24 director of human services or the director's designee shall
25 initially disclose whether or not the assessment will be or is
26 being performed. Otherwise, within five business days of
27 receiving the request or completing the assessment, whichever
28 is later, the director of human services or the director's
29 designee shall consult with the county attorney responsible
30 for prosecution of any alleged perpetrator of the fatality or
31 near fatality and shall disclose child-abuse information,
32 including but not limited to child abuse information, relating
33 to the case and-the-child-in-accordance-with-this-subsection-
34 The-director-or-the-director's-designee-shall-release-all
35 child-abuse-information-associated-with-the-case-and-the

1 child, except for the following:

2 Sec. 6. Section 235A.15, subsection 9, paragraph c, Code
3 Supplement 2001, is amended by striking the paragraph.

4 Sec. 7. Section 235A.15, Code Supplement 2001, is amended
5 by adding the following new subsections:

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

12 a. Any relevant child abuse report data concerning the
13 child or the child's family and the department's response and
14 findings concerning the report data, including but not limited
15 to assessment and disposition data.

16 b. Any relevant information concerning social services,
17 except for financial or medical assistance, provided to the
18 child or the child's family that would otherwise be
19 confidential under section 217.30.

20 c. Any recommendations made by the department to the
21 county attorney or the juvenile court.

22 d. If applicable, an evaluation of the department's
23 responses in the case.

24 NEW SUBSECTION. 11. If a person who made a request for
25 information under subsection 9 does not believe the department
26 has substantially complied with the request, the person may
27 apply to the juvenile court under section 235A.24 for an order
28 for disclosure of additional information.

29 NEW SUBSECTION. 12. If an individual who is the subject
30 of a child abuse report listed in subsection 2, paragraph "a",
31 or another party involved in a child abuse assessment under
32 section 232.71B releases in a public forum or to the media
33 information concerning a case of child abuse including but not
34 limited to child abuse information which would otherwise be
35 confidential, the director of human services, or the

1 director's designee, may disseminate relevant information
2 concerning the case of child abuse that was the subject of the
3 release. Prior to such dissemination, the director or the
4 director's designee shall consult with the child's parent or
5 guardian, guardian ad litem, or if deemed appropriate by the
6 director or the director's designee, the juvenile court.

7 Sec. 8. Section 235A.24, Code 2001, is amended to read as
8 follows:

9 235A.24 ORDER FOR DISCLOSURE OF CHILD ABUSE INFORMATION.

10 ~~A-person-whose~~ If a person's request for ~~child-abuse~~
11 information relating to a case of founded child abuse under
12 section 235A.15, subsection 9, is denied or such person does
13 not believe the department has substantially complied with the
14 request and seeks additional information, the person may apply
15 to the juvenile court for an order compelling disclosure of
16 the information. The application shall state in reasonable
17 detail the factors in support of the application. The
18 juvenile court shall have jurisdiction to issue the order. A
19 hearing shall be set immediately upon filing of an application
20 under this section and subsequent proceedings shall be
21 accorded priority by other courts. In considering the
22 application, the court shall weigh the public's interest and
23 right to know the information against the privacy rights of
24 the victim of the child abuse and other individuals who may be
25 affected by the release of the information relating to the
26 case of child abuse. After the court has reviewed the ~~child~~
27 ~~abuse~~ information relating to the case in camera, unless the
28 court finds that a restriction listed in section 235A.15,
29 subsection 9, is applicable, the court ~~shall~~ may issue an
30 order compelling disclosure of the ~~child-abuse~~ information
31 relating to the case.

32 EXPLANATION

33 This bill relates to child protection confidentiality
34 requirements involving the department of human services.

35 Code section 217.30, relating to confidentiality of

1 department records, is amended to allow an exception for
 2 disclosure of information as provided by the bill for certain
 3 cases of child abuse involving a child fatality or near
 4 fatality. The information subject to disclosure includes
 5 names and addresses of individuals receiving services or
 6 assistance from the department, the types of services or
 7 amounts of assistance provided, information concerning the
 8 social or economic conditions or circumstances of particular
 9 individuals who are receiving or have received services or
 10 assistance from the department, and agency evaluations of
 11 information about a particular individual.

12 Code section 235A.12, relating to legislative findings and
 13 purposes for the child abuse information registry, is amended
 14 to include a reference to a related Code section and to make
 15 technical changes.

16 Code section 235A.13, providing definitions for the child
 17 abuse registry Code chapter, is amended to revise the term
 18 "near fatality". The revision provides that "near fatality"
 19 means an injury to a child that, as certified by a physician,
 20 placed the child in serious or critical condition.

21 Code section 235A.15, relating to authorized access to
 22 confidential child abuse information, is significantly
 23 amended. Existing law provides a procedure for the governor
 24 and legislative designees to receive disclosure of
 25 confidential information on child abuse cases involving a
 26 fatality or near fatality to a child. The bill provides a
 27 procedure for sharing of such information through a
 28 confidential meeting with the legislative leader or a person
 29 designated by a legislative leader. The bill prohibits
 30 removal of written materials distributed at the meeting and
 31 redissemination of confidential information disclosed at the
 32 meeting. The prohibition against redissemination is the same
 33 as exists in current law in Code section 235A.17, prohibiting
 34 a person who receives confidential information about a child
 35 abuse case from further disseminating, communicating, or

1 attempting to communicate the information to an unauthorized
2 person. In addition to issuing a report to the governor as is
3 allowed under current law, the bill allows a participant in
4 the meeting to make general public statements concerning the
5 department's handling of the case of child abuse.

6 Current law authorizes the governor to request and receive
7 disclosure of confidential information concerning any specific
8 case of child abuse. The bill expands this authority to
9 include the governor's designee.

10 Existing law allowing any person to request and receive
11 information concerning a case of child abuse involving a
12 fatality or near fatality to a child is amended to allow
13 release of other confidential information in addition to child
14 abuse information. If the request is received before or
15 during performance of a child abuse assessment of the case,
16 initially the director of human services or director's
17 designee must inform the requestor whether or not the
18 assessment will be or is being performed. Otherwise, within
19 five days of receiving the request or completing the
20 assessment, whichever is later, the director or designee must
21 release the information. The additional information to be
22 released by the department is specified to be a summary of the
23 department's response and findings, social services
24 information, recommendations made by the department to the
25 county attorney or juvenile court, and an evaluation of the
26 department's responses.

27 Existing law for information releases in cases involving a
28 child fatality or near fatality includes a list of information
29 items that are restricted from release. This list is also
30 applicable to the report issued by a special child fatality
31 review committee appointed by the director of public health.
32 The bill removes the restriction against the release of
33 information pertaining to the child, the child's family, or
34 any other person that is not directly related to the cause of
35 the fatality or near fatality.

1 If a subject of a child abuse report or another party
 2 involved in a child abuse assessment releases information
 3 concerning a case of child abuse that would otherwise be
 4 confidential concerning the case, the bill allows discretion
 5 for the director of human services or the director's designee
 6 to disseminate relevant information regarding that case.
 7 Consultation with the child's parent, guardian, or guardian ad
 8 litem, or, if deemed appropriate, the juvenile court, is
 9 required prior to the dissemination.

10 Existing law in Code section 235A.24 allows a requestor of
 11 information regarding a case involving a child fatality or
 12 near fatality whose request is denied by the department of
 13 human services to seek relief from the court. The bill also
 14 allows relief if the requestor does not believe the department
 15 has substantially complied with the request.

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FEB 27 2002
Place On Calendar

S-3/12/02 Human Res
S-3/13/02 Do Pass
S. MTR by Kromer,
and Shearer
MTR - Failed

HOUSE FILE 2559
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 602)

Passed House, Date ^(P. 1172) 3/12/02
Vote: Ayes 72 Nays 21

^{Failed}
Passed Senate, Date ^(P. 1172) 4/12/02
Vote: Ayes 21 Nays 25

Approved _____

A BILL FOR

1 An Act relating to child protection confidentiality requirements
2 involving the department of human services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2559

1 Section 1. Section 217.30, subsection 4, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. Information described in subsection 1,
4 paragraphs "a", "b", and "c", is subject to disclosure in
5 accordance with section 235A.15, subsection 10.

6 Sec. 2. Section 235A.12, Code 2001, is amended to read as
7 follows:

8 235A.12 LEGISLATIVE FINDINGS AND PURPOSES.

9 1. The general assembly finds and declares that a central
10 registry is required to provide a single source for the ~~state-~~
11 ~~wide statewide~~ collection, maintenance, and dissemination of
12 child abuse information. ~~Such-a~~ The existence of the central
13 registry is imperative for increased effectiveness in dealing
14 with the problem of child abuse. The general assembly also
15 finds that vigorous protection of rights of individual privacy
16 is an indispensable element of a fair and effective system of
17 collecting, maintaining and disseminating child abuse
18 information.

19 2. The purposes of this section and sections 235A.13 to
20 ~~235A.23~~ through 235A.24 are to facilitate the identification
21 of victims or potential victims of child abuse by making
22 available a single, statewide source of child abuse data; to
23 facilitate research on child abuse by making available a
24 single, statewide source of child abuse data; and to provide
25 maximum safeguards against the unwarranted invasions of
26 privacy which such a registry might otherwise entail.

27 Sec. 3. Section 235A.13, subsection 9, Code 2001, is
28 amended to read as follows:

29 9. "Near fatality" means ~~a-bodily an injury which-involves~~
30 ~~substantial-risk-of-death, protracted-and-obvious~~
31 ~~disfigurement, or protracted loss or impairment of the~~
32 ~~function of a bodily member, organ, or mental faculty and~~
33 ~~includes a serious bodily injury as described in section~~
34 ~~702.18~~ to a child that, as certified by a physician, placed
35 the child in serious or critical condition.

1 Sec. 4. Section 235A.15, subsections 7 and 8, Code
2 Supplement 2001, are amended to read as follows:

3 ~~7.--Upon the request of a person listed in this subsection,~~
4 ~~child abuse information relating to a specific case of child~~
5 ~~abuse involving a fatality or near fatality to a child and~~
6 ~~reported to the department shall be disclosed to that person~~
7 ~~by the director of human services.--The purpose of the~~
8 ~~disclosure is to provide for oversight of the department and~~
9 ~~others involved with the state's child protection system in~~
10 ~~order to improve the system.--After completing a review of the~~
11 ~~child abuse information received, an authorized requester may~~
12 ~~issue a report to the governor regarding the specific case of~~
13 ~~child abuse.--The following persons are authorized to make a~~
14 ~~request and receive child abuse information under this section~~
15 ~~relating to a specific case of child abuse involving a~~
16 ~~fatality or near fatality to a child:~~

17 ~~a.--The governor or the governor's designee.~~

18 ~~b.--The member of the senate or employee of the general~~
19 ~~assembly designated by the majority leader or minority leader~~
20 ~~of the senate.~~

21 ~~c.--The member of the house of representatives or employee~~
22 ~~of the general assembly designated by the speaker or minority~~
23 ~~leader of the house of representatives.~~

24 7. If the director of human services receives a written
25 request for information regarding a specific case of child
26 abuse involving a fatality or near fatality to a child from
27 the majority or minority leader of the senate or the speaker
28 or the minority leader of the house of representatives, the
29 director or the director's designee shall arrange for a
30 confidential meeting with the requestor or the requestor's
31 designee. In the confidential meeting the director or the
32 director's designee shall share all pertinent information
33 concerning the case, including but not limited to child abuse
34 information. Any written document distributed by the director
35 or the director's designee at the confidential meeting shall

1 not be removed from the meeting and a participant in the
2 meeting shall be subject to the restriction on redissemination
3 of confidential information applicable to a person under
4 section 235A.17, subsection 3, for confidential information
5 disclosed to the participant at the meeting. A participant in
6 the meeting may issue a report to the governor or make general
7 public statements concerning the department's handling of the
8 case of child abuse.

9 8. Upon the request of the governor, the department shall
10 disclose child abuse information to the governor or the
11 governor's designee relating to a specific case of child abuse
12 reported to the department.

13 Sec. 5. Section 235A.15, subsection 9, unnumbered
14 paragraph 1, Code Supplement 2001, is amended to read as
15 follows:

16 If, apart from a request made pursuant to subsection 7 or
17 8, the department receives from a member of the public a
18 request for child-abuse information relating to a case of
19 founded child abuse involving a fatality or near fatality to a
20 child, the response to the request shall be made in accordance
21 with this subsection and subsections 10 and 11. If the
22 request is received before or during performance of an
23 assessment of the case in accordance with section 232.71B, the
24 director of human services or the director's designee shall
25 initially disclose whether or not the assessment will be or is
26 being performed. Otherwise, within five business days of
27 receiving the request or completing the assessment, whichever
28 is later, the director of human services or the director's
29 designee shall consult with the county attorney responsible
30 for prosecution of any alleged perpetrator of the fatality or
31 near fatality and shall disclose child-abuse information,
32 including but not limited to child abuse information, relating
33 to the case and-the-child-in-accordance-with-this-subsection:
34 The-director-or-the-director's-designee-shall-release-all
35 child-abuse-information-associated-with-the-case-and-the

1 child, except for the following:

2 Sec. 6. Section 235A.15, subsection 9, paragraph c, Code
3 Supplement 2001, is amended by striking the paragraph.

4 Sec. 7. Section 235A.15, Code Supplement 2001, is amended
5 by adding the following new subsections:

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

12 a. Any relevant child abuse report data concerning the
13 child or the child's family and the department's response and
14 findings concerning the report data, including but not limited
15 to assessment and disposition data.

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

22 c. Any recommendations made by the department to the
23 county attorney or the juvenile court.

24 d. If applicable, an evaluation of the department's
25 responses in the case.

26 NEW SUBSECTION. 11. a. If a person who made a request
27 for information under subsection 9 does not believe the
28 department has substantially complied with the request, the
29 person may apply to the juvenile court under section 235A.24
30 for an order for disclosure of additional information.

31 b. If release of social services information in addition
32 to that released under subsection 10, paragraph "b", is
33 believed to be in the public's interest and right to know, the
34 director of human services or the director's designee may
35 apply to the court under section 235A.24 requesting a review

1 of the information proposed for release and an order
2 authorizing release of the information. A release of
3 information that would otherwise be confidential under section
4 217.30 concerning social services provided to the child or the
5 child's family shall not include information concerning
6 financial or medical assistance provided to the child or the
7 child's family.

8 NEW SUBSECTION. 12. If an individual who is the subject
9 of a child abuse report listed in subsection 2, paragraph "a",
10 or another party involved in a child abuse assessment under
11 section 232.71B releases in a public forum or to the media
12 information concerning a case of child abuse including but not
13 limited to child abuse information which would otherwise be
14 confidential, the director of human services, or the
15 director's designee, may respond with relevant information
16 concerning the case of child abuse that was the subject of the
17 release. Prior to releasing the response, the director or the
18 director's designee shall consult with the child's parent or
19 guardian, or the child's guardian ad litem, and apply to the
20 court under section 235A.24 requesting a review of the
21 information proposed for release and an order authorizing
22 release of the information.

23 Sec. 8. Section 235A.24, Code 2001, is amended to read as
24 follows:

25 235A.24 ORDER FOR DISCLOSURE OR RELEASE OF CHILD ABUSE
26 INFORMATION.

27 1. a. A-person-whose If a person's request for child
28 abuse information relating to a case of founded child abuse
29 under section 235A.15, subsection 9, is denied or such person
30 does not believe the department has substantially complied
31 with the request and seeks additional information, the person
32 may apply to the juvenile court for an order compelling
33 disclosure of the information.

34 b. The director of human services or the director's
35 designee may apply, if the conditions under section 235A.15,

1 subsection 11 or 12, are met, to the court requesting a review
2 of confidential information proposed for release and an order
3 authorizing the release of information. A release of
4 information that would otherwise be confidential under section
5 217.30 concerning social services provided to the child or the
6 child's family shall not include information concerning
7 financial or medical assistance provided to the child or the
8 child's family.

9 2. The application shall state in reasonable detail the
10 factors in support of the application. The juvenile court
11 shall have jurisdiction to issue the order. A hearing shall
12 be set immediately upon filing of an application under this
13 section and subsequent proceedings shall be accorded priority
14 by other courts.

15 3. In considering the application, the court shall weigh
16 the public's interest and right to know the information
17 against the privacy rights of the victim of the child abuse
18 and other individuals who may be affected by the release of
19 the information relating to the case of child abuse.

20 4. After the court has reviewed the child-abuse
21 information relating to the case in camera, unless the court
22 finds that a restriction listed in section 235A.15, subsection
23 9, is applicable, the court ~~shall~~ may issue an order
24 compelling disclosure or authorizing release of the child
25 abuse information relating to the case.

26 EXPLANATION

27 This bill relates to child protection confidentiality
28 requirements involving the department of human services.

29 Code section 217.30, relating to confidentiality of
30 department records, is amended to allow an exception for
31 disclosure of information as provided by the bill for certain
32 cases of child abuse involving a child fatality or near
33 fatality. The information subject to disclosure includes
34 names and addresses of individuals receiving services or
35 assistance from the department, the types of services or

1 amounts of assistance provided, information concerning the
2 social or economic conditions or circumstances of particular
3 individuals who are receiving or have received services or
4 assistance from the department, and agency evaluations of
5 information about a particular individual.

6 Code section 235A.12, relating to legislative findings and
7 purposes for the child abuse information registry, is amended
8 to include a reference to a related Code section and to make
9 technical changes.

10 Code section 235A.13, providing definitions for the child
11 abuse registry Code chapter, is amended to revise the term
12 "near fatality". The revision provides that "near fatality"
13 means an injury to a child that, as certified by a physician,
14 placed the child in serious or critical condition.

15 Code section 235A.15, relating to authorized access to
16 confidential child abuse information, is amended. Existing
17 law provides a procedure for the governor and legislative
18 designees to receive disclosure of confidential information on
19 child abuse cases involving a fatality or near fatality to a
20 child. The bill provides a procedure for sharing of such
21 information through a confidential meeting with the
22 legislative leader or a person designated by a legislative
23 leader. The bill prohibits removal of written materials
24 distributed at the meeting and redissemination of confidential
25 information disclosed at the meeting. The prohibition against
26 redissemination is the same as exists in current law in Code
27 section 235A.17, prohibiting a person who receives
28 confidential information about a child abuse case from further
29 disseminating, communicating, or attempting to communicate the
30 information to an unauthorized person. In addition to issuing
31 a report to the governor as is allowed under current law, the
32 bill allows a participant in the meeting to make general
33 public statements concerning the department's handling of the
34 case of child abuse.

35 Current law authorizes the governor to request and receive

1 disclosure of confidential information concerning any specific
2 case of child abuse. The bill expands this authority to
3 include the governor's designee.

4 Existing law allowing any person to request and receive
5 information concerning a case of child abuse involving a
6 fatality or near fatality to a child is amended to allow
7 release of other confidential information in addition to child
8 abuse information. If the request is received before or
9 during performance of a child abuse assessment of the case,
10 initially the director of human services or director's
11 designee must inform the requestor whether or not the
12 assessment will be or is being performed. Otherwise, within
13 five days of receiving the request or completing the
14 assessment, whichever is later, the director or designee must
15 release the information. The additional information to be
16 released by the department is specified to be a summary of the
17 department's response and findings, whether or not social
18 services were being utilized, recommendations made by the
19 department to the county attorney or juvenile court, and an
20 evaluation of the department's responses.

21 Existing law for information releases in cases involving a
22 child fatality or near fatality includes a list of information
23 items that are restricted from release. This list is also
24 applicable to the report issued by a special child fatality
25 review committee appointed by the director of public health.
26 The bill removes the restriction against the release of
27 information pertaining to the child, the child's family, or
28 any other person that is not directly related to the cause of
29 the fatality or near fatality.

30 A procedure is established if it is determined that release
31 of additional social service information in child fatality and
32 near fatality cases would be in the public interest or for the
33 department to release as a response when the subject of a
34 child abuse report or someone involved with a child abuse
35 assessment publicly releases or discusses confidential child

1 abuse information. The director of human services or the
2 director's designee may request juvenile court review of the
3 confidential information proposed to be released in a closed
4 session and issue an order authorizing the release.

5 Existing law in Code section 235A.24 allows a requestor of
6 information regarding a case involving a child fatality or
7 near fatality whose request is denied by the department of
8 human services to seek relief from the court. The bill also
9 allows relief if the requestor does not believe the department
10 has substantially complied with the request.

11

HOUSE FILE 2559

S-5215

1 Amend House File 2559, as passed by the House, as
2 follows:

3 1. Page 3, by striking lines 9 through 12, and
4 inserting the following:

5 "8. Upon the request of the governor or a member
6 of the general assembly, the department shall disclose
7 child abuse information to the governor, the
8 governor's designee, or the member of the general
9 assembly relating to a specific case of child abuse
10 reported to the department. If more than one member
11 of the general assembly has received child abuse
12 information relating to a specific case of child abuse
13 as authorized under this chapter, those members may
14 discuss the information received. The discussion
15 shall not be considered to be a redissemination of
16 information otherwise prohibited under section 235A.17
17 and the discussion shall not be subject to chapter
18 21."

By STEVE KING

S-5215 FILED MARCH 19, 2002

*4/10/02 Adapted
Motion to R/C By Thiner - Motion to R/C Withdrawn
4-10-02 4-12-02*

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