

MAR 14 2005  
Place On Calendar

HOUSE FILE 744  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 76)  
(COMPANION TO LSB 1246SV BY  
COMMITTEE ON HUMAN RESOURCES)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to confidentiality and liability provisions  
2 involving the child advocacy board and the programs associated  
3 with the board and making a penalty applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

HL 744

1 Section 1. Section 232.13, subsection 1, paragraph b, Code  
2 2005, is amended to read as follows:

3 b. A court appointed special advocate and the members of  
4 the child advocacy board created in section 237.16 or a local  
5 citizen foster care review board created in accordance with  
6 section 237.19.

7 Sec. 2. Section 232.147, subsection 3, paragraph c, Code  
8 2005, is amended to read as follows:

9 c. The child's parent, guardian or custodian, court  
10 appointed special advocate, and guardian ad litem, and the  
11 members of the child advocacy board created in section 237.16  
12 or a local citizen foster care review board created in  
13 accordance with section 237.19 who are assigning or reviewing  
14 the child's case.

15 Sec. 3. Section 237.21, subsections 1 and 3, Code 2005,  
16 are amended to read as follows:

17 1. The information and records of or provided to a local  
18 board, ~~or the~~ state board, or court appointed special advocate  
19 regarding a child receiving foster care and the child's family  
20 when relating to the foster care placement are not public  
21 records pursuant to chapter 22. The state board and local  
22 boards, with respect to hearings involving specific children  
23 receiving foster care and the child's family, are not subject  
24 to chapter 21.

25 3. Members of the state board and local boards, court  
26 appointed special advocates, and the employees of the  
27 department and the department of inspections and appeals are  
28 subject to standards of confidentiality pursuant to sections  
29 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and  
30 600.16A. Members of the state and local boards, court  
31 appointed special advocates, and employees of the department  
32 and the department of inspections and appeals who disclose  
33 information or records of the board or department, other than  
34 as provided in subsection 2, are guilty of a simple  
35 misdemeanor.

## EXPLANATION

1  
2 This bill relates to confidentiality and liability  
3 provisions involving the child advocacy board. The child  
4 advocacy board is part of the department of inspections and  
5 appeals and has responsibilities for oversight and review of  
6 the state's foster care system, including establishing and  
7 overseeing local citizen foster care review boards and  
8 administering the court appointed special advocate program.

9 Code section 232.13, providing state tort liability  
10 protection for court appointed special advocates and certain  
11 other persons, is expanded to provide the protection for  
12 members of the child advocacy board or a local foster care  
13 review board.

14 Code section 232.147, relating to confidentiality of  
15 juvenile court records, authorizes disclosure of a child's  
16 official records without court order to various persons  
17 involved with the juvenile court system, including the child's  
18 court appointed special advocate. The bill expands the  
19 disclosure authorization to members of the child advocacy  
20 board or a local foster care review board who are assigning or  
21 reviewing a case.

22 Code section 237.21 provides that information or records  
23 involving a child or the child's family provided to the child  
24 advocacy board or a local foster care review board, as well as  
25 employees of the departments of human services and inspections  
26 and appeals, are not public records. In addition, those  
27 persons are subject to various statutory confidentiality  
28 standards and to a simple misdemeanor penalty for unauthorized  
29 disclosure of confidential information. The bill makes both  
30 of these provisions applicable to court appointed special  
31 advocates and members of the child advocacy board or a local  
32 foster care review board.

33  
34  
35

Heaton - ch  
Eichhorn  
Jochum

HSB 76  
JUDICIARY

SUC  
SF 0 744

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to confidentiality and liability provisions  
2 involving the child advocacy board and the programs and  
3 volunteers associated with the board and making a penalty  
4 applicable.

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

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

TLSB 1246DP 81

jp/sh/8

1 Section 1. Section 232.13, subsection 1, paragraph b, Code  
2 2005, is amended to read as follows:

3 b. A court appointed special advocate and other persons  
4 volunteering under the auspices of the child advocacy board  
5 created in section 237.16 or a local citizen foster care  
6 review board created in accordance with section 237.19.

7 Sec. 2. Section 232.147, subsection 3, paragraph c, Code  
8 2005, is amended to read as follows:

9 c. The child's parent, guardian or custodian, ~~court~~  
10 ~~appointed-special-advocate, and~~ guardian ad litem, and court  
11 appointed special advocate or other person volunteering in  
12 connection with the child under the auspices of the child  
13 advocacy board created in section 237.16 or a local citizen  
14 foster care review board created in accordance with section  
15 237.19.

16 Sec. 3. Section 237.21, subsections 1 and 3, Code 2005,  
17 are amended to read as follows:

18 1. The information and records of or provided to a local  
19 board, ~~or the state board, court appointed special advocate,~~  
20 or other person volunteering under the auspices of either  
21 board regarding a child receiving foster care and the child's  
22 family when relating to the foster care placement are not  
23 public records pursuant to chapter 22. The state board and  
24 local boards, with respect to hearings involving specific  
25 children receiving foster care and the child's family, are not  
26 subject to chapter 21.

27 3. Members of the state board and local boards, court  
28 appointed special advocate, or other person volunteering under  
29 the auspices of either board, and the employees of the  
30 department and the department of inspections and appeals are  
31 subject to standards of confidentiality pursuant to sections  
32 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and  
33 600.16A. Members of the state and local boards and employees  
34 of the department and the department of inspections and  
35 appeals who disclose information or records of the board or

1 department, other than as provided in subsection 2, are guilty  
2 of a simple misdemeanor.

3

#### EXPLANATION

4 This bill relates to confidentiality and liability  
5 provisions involving the child advocacy board and the programs  
6 and volunteers associated with the board. The child advocacy  
7 board is part of the department of inspections and appeals and  
8 has many responsibilities for oversight and review of the  
9 state's foster care system, including establishing and  
10 overseeing local citizen foster care review boards and  
11 administering the court appointed special advocate program.

12 Code section 232.13, providing state tort liability  
13 protection for court appointed special advocates and certain  
14 other persons, is expanded to provide the protection for other  
15 persons volunteering under the auspices of the child advocacy  
16 board or a local foster care review board.

17 Code section 232.147, relating to confidentiality of  
18 juvenile court records, authorizes disclosure of a child's  
19 official records without court order to various persons  
20 involved with the juvenile court system, including the child's  
21 court appointed special advocate. The bill expands the  
22 disclosure authorization to other persons volunteering in  
23 connection with the child under the auspices of the child  
24 advocacy board or a local foster care review board.

25 Code section 237.21 provides that information or records  
26 involving a child or the child's family provided to the child  
27 advocacy board or a local foster care review board, as well as  
28 employees of the departments of human services and inspections  
29 and appeals, are not public records. In addition, those  
30 persons are subject to various statutory confidentiality  
31 standards and to a simple misdemeanor penalty for unauthorized  
32 disclosure of confidential information. The bill makes both  
33 of these provisions applicable to court appointed special  
34 advocates and other volunteers of the child advocacy board or  
35 a local foster care review board.

# Memo

To: Members of the 81<sup>st</sup> General Assembly  
From: Steve Young  
Date: November 29, 2004  
Re: Proposed Child Advocacy Board Legislation

---

The Child Advocacy Board through the Department of Inspections and Appeals proposes legislation to reflect the restructuring of the Iowa citizen foster care review board (ICFCRB) and the court-appointed special advocate (CASA) program to the Child Advocacy Board in July 2002.

Section 1 of the legislation relates to those persons being considered as state employees for the purposes of liability under Iowa Code chapter 669. Previously CASA was covered under this provision. CASA volunteers are now a part of the Child Advocacy Board, which also has volunteers on ICFCRBs needing to be covered under this provision.

Section 2 of the legislation relates to confidentiality of juvenile court records. Previously CASA was covered under this provision related to access to these records without a court order. CASA volunteers are now a part of the Child Advocacy Board, which also has volunteers on IFRCRBs needing to be covered under this provision. In most areas, the same staff is used to provide services under both programs, so each program needs to be covered.

Section 3 of the legislation corrects references to reflect the establishment of the Child Advocacy Board and volunteers of the ICFCRB and CASA programs.

If you have any questions regarding this legislation, please contact Beverly Zylstra, Legislative Liaison, at 515-281-6442 or via e-mail at [beverly.zylstra@dia.state.ia.us](mailto:beverly.zylstra@dia.state.ia.us).