

JAN 25 2006
JUDICIARY

HOUSE FILE 2111
BY BELL

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

A BILL FOR

1 An Act relating to dependent adult abuse investigations,
2 findings, and appeals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2111

1 Section 1. Section 235B.3, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. Within ten days of completion of an
4 investigation of suspected dependent adult abuse, the
5 department of human services or an agency approved by the
6 department of human services shall mail a copy of the report
7 of the investigation by certified mail to the alleged
8 perpetrator of the dependent adult abuse.

9 Sec. 2. Section 235B.10, subsections 2 and 3, Code 2005,
10 are amended to read as follows:

11 2. A person may file with the department within six months
12 of the date of the notice of the results of an investigation,
13 a written statement to the effect that dependent adult abuse
14 information referring to the person is in whole or in part
15 erroneous, and may request a correction of that information or
16 of the findings of the investigation report. The department
17 shall provide the person with an opportunity for an
18 evidentiary hearing pursuant to chapter 17A to correct the
19 information or the findings, unless the department corrects
20 the information or findings as requested. The department
21 shall schedule an evidentiary hearing within sixty days of the
22 date of a person's request for a hearing pursuant to this
23 subsection unless good cause can be shown for an extension of
24 this limitation. The department shall delay the expungement
25 of information which is not determined to be founded until the
26 conclusion of a proceeding to correct the information or
27 findings. The department may defer the hearing until the
28 conclusion of a court case relating to the information or
29 findings.

30 3. The decision resulting from the hearing may be appealed
31 to the court of Polk county by the person requesting the
32 correction or to the court of the district in which the person
33 resides. Within ten days of a person's request for appeal,
34 the court shall respond to the person in writing acknowledging
35 that the person's appeal request has been received.

1 Immediately upon appeal the court shall order the department
2 to file with the court a certified copy of the dependent adult
3 abuse information. Appeal shall be taken in accordance with
4 chapter 17A.

5 EXPLANATION

6 This bill relates to dependent adult abuse investigations,
7 findings, and appeals.

8 The bill provides that within 10 days of completion of an
9 investigation of suspected dependent adult abuse, the
10 department of human services or an agency approved by the
11 department of human services shall mail a copy of the report
12 of the investigation by certified mail to the alleged
13 perpetrator of the dependent adult abuse.

14 The bill provides that the department of human services
15 shall schedule an evidentiary hearing on the veracity of
16 dependent adult abuse information referring to a person within
17 60 days of the date of the person's request for an evidentiary
18 hearing.

19 The bill further provides that the department of human
20 services shall respond to a person's request for an appeal
21 from an evidentiary hearing within 10 days of receipt of such
22 a request.

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