

FILED MAR 10 2005

SENATE FILE 352
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1080)
(COMPANION TO LSB 1246HV BY
COMMITTEE ON JUDICIARY)

Passed Senate, Date 3-23-05 Passed House, Date 4-14-05
Vote: Ayes 50 Nays 0 Vote: Ayes 98 Nays 0
Approved 4-27-05

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:

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SF 352

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

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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.

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Kreiman Co-chair
Tinsman Co-chair
Wood
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SSB# 1080
Human Resources

Succeeded By
(SF) HF 352

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:

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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.

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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 81st 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 IFCRBs 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.

SENATE FILE 352

AN ACT
RELATING TO CONFIDENTIALITY AND LIABILITY PROVISIONS
INVOLVING THE CHILD ADVOCACY BOARD AND THE PROGRAMS
ASSOCIATED WITH THE BOARD AND MAKING A PENALTY APPLICABLE.

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

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

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

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

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

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

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

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 352, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/27, 2005

THOMAS J. VILSACK
Governor