Amendments to Senate Bill No. 49
1st Reading Copy

Requested by Senator Jon Ellingson

For the Senate Judiciary Committee

Prepared by Valencia Lane
January 6, 2005 (2:25pm)

1. Page 4, line 3.
Following: "(3)(a)"
Insert: ", except as provided in subsection (6)(b)"

2. Page 4, line 8.
Following: "case"
Insert: "unless disclosure of the information is determined to be detrimental to the child or harmful to another person who is a subject of the information"

- END -

(See over)

SENATE JUDICIARY
Exhibit No. 5
Date 1-11-05
Bill No. SB 49

SB004901.avl

4

(6) (a) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsection (3)(a), except as provided in subsection (6)(b)

(b) ~~However, this~~ This subsection (6) may not be construed to compel a ~~family member~~ person responsible for a child's welfare to keep the proceedings confidential.

(c) If a person responsible for a child's welfare makes public statements regarding any child abuse or neglect action taken under this chapter, the public statements are considered to be a waiver of the confidentiality provisions under this chapter and the department may respond with fact-specific information regarding the case, unless disclosure of the information is determined to be detrimental to the child or harmful to another person who is a subject of the information

(7) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection (6) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

(8) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

(9) ~~Copies~~ A single copy of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, the guardian, or the parent or guardian's attorney must be provided without cost. The department may establish and charge a uniform fee for providing additional copies. If a fee is established, it must be charged uniformly and may not exceed the actual cost of providing the copies."

- END -