

418 pursuant to the provisions of this amendment shall be treated in a  
 419 reasonable and humane manner. The fact of confinement or recon-  
 420 finement in a receiving state shall not deprive any person so confined  
 421 or reconfined of any rights which said person would have had if con-  
 422 fined or reconfined in an appropriate institution of the sending state;  
 423 nor shall any agreement to submit to confinement or reconfinement  
 424 pursuant to the terms of this amendment be construed as a waiver of  
 425 any rights which the delinquent would have had if he had been con-  
 426 fined or reconfined in any appropriate institution of the sending state  
 427 except that the hearing or hearings, if any, to which a parolee, pro-  
 428 bationer, escapee, or absconder may be entitled (prior to confinement  
 429 or reconfinement) by the laws of the sending state may be had before  
 430 the appropriate judicial or administrative officers of the receiving  
 431 state. In this event, said judicial and administrative officers shall act  
 432 as agents of the sending state after consultation with appropriate  
 433 officers of the sending state.

434 *h.* Any receiving state incurring costs or other expenses under this  
 435 amendment shall be reimbursed in the amount of such costs or other  
 436 expenses by the sending state unless the states concerned shall spe-  
 437 cifically otherwise agree. Any two or more states party to this  
 438 amendment may enter into supplementary agreements determining a  
 439 different allocation of costs as among themselves.

440 *i.* This amendment shall take initial effect when entered into by  
 441 any two or more states party to the compact and shall be effective as  
 442 to those states which have specifically enacted this amendment. Rules  
 443 and regulations necessary to effectuate the terms of this amendment  
 444 may be promulgated by the appropriate officers of those states which  
 445 have enacted this amendment.

1 SEC. 2. In addition to any institution in which the authorities of  
 2 this state may otherwise confine or order the confinement of a delin-  
 3 quent juvenile, such authorities may, pursuant to the out-of-state  
 4 confinement amendment to the interstate compact on juveniles, con-  
 5 fine or order the confinement of a delinquent juvenile in a compact  
 6 institution within another party state."

Approved May 14, 1965.

## CHAPTER 215

### JUVENILE COURT LAW

S. F. 95

AN ACT to amend, revise, and codify the statutes relating to dependent, neglected, and delinquent children.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapter two hundred thirty-two (232), Code 1962, is  
 2 hereby repealed and sections two (2) through sixty-two (62) of this  
 3 Act are enacted in lieu thereof.

1 SEC. 2. This Act shall be liberally construed to the end that each  
2 child coming within the jurisdiction of the juvenile court shall receive,  
3 preferably in his home, the care, guidance, and control that will con-  
4 duce to his welfare and the best interests of the state, and that when he  
5 is removed from the control of his parents, the court shall secure for  
6 him care as nearly as possible equivalent to that which he should have  
7 been given.

1 SEC. 3. When used in this Act, unless the context otherwise re-  
2 quires:

3 1. "Court" means the juvenile court as established under chapter  
4 two hundred thirty-one (231) of the Code.

5 2. "Judge" means the judge of the juvenile court.

6 3. "Child" means a person less than eighteen (18) years of age.

7 4. "Minor" means a person less than twenty-one (21) years of age.

8 5. "Adult" means a person twenty-one (21) years of age or older.

9 6. "Detention" means the temporary care of children who require  
10 secure custody for their own protection or the protection of the com-  
11 munity in physically restricting facilities pending court disposition.

12 7. "Shelter" means the temporary care of children in physically un-  
13 restricting facilities pending court disposition.

14 8. "Guardianship of the person" with respect to a minor means the  
15 duty and authority to make important decisions in matters having a  
16 permanent effect on the life and development of the minor and to be  
17 concerned about the general welfare of the minor. Guardianship of  
18 the person includes but is not limited to:

19 a. The authority to consent to marriage, to enlistment in the armed  
20 forces of the United States, to major medical, psychiatric, and surgical  
21 treatment, to represent the minor in legal actions, and to make other  
22 decisions of substantial legal significance concerning the minor.

23 b. The authority and duty of reasonable visitation except to the  
24 extent that such right of visitation has been limited by court order.

25 c. The rights and responsibilities of legal custody except where legal  
26 custody has been vested in another individual or in an authorized  
27 agency.

28 d. The authority to consent to the adoption of a child and to make  
29 any other decision concerning the child which could be made by the  
30 parents of the child when the parent-child relationship has been ter-  
31 minated by judicial decree with respect to the parents or the only living  
32 parent, or when there is no living parent.

33 A juvenile court guardianship of the person does not include guard-  
34 ianship of any estate of the child.

35 9. "Legal custody" means the relationship created by court decree  
36 which imposes on the custodian the responsibility of physical posses-  
37 sion of the child, the duty to protect, train, and discipline the child, and  
38 to provide the child with food, clothing, housing, education, and ordi-  
39 nary medical care, all subject to residual parental rights and responsi-  
40 bilities and the rights and responsibilities of the guardian of the  
41 person.

42 10. "Probation" is a legal status created by court order following  
43 an adjudication of delinquency whereby a minor is permitted to remain  
44 in his home subject to supervision by the court or an agency desig-

45 nated by the court and subject to return to the court for violation of  
46 probation at any time during the period of probation.

47 11. "Protective supervision" is a legal status created by court order  
48 in proceedings not involving violation of law but when the legal cus-  
49 tody of the child is subject to change, whereby the child is permitted  
50 to remain in the home under supervision by the court or an agency  
51 designated by the court and subject to return to the court during the  
52 period of protective supervision.

53 12. "Commit" means to transfer legal custody.

54 13. "Delinquent child" means a child:

55 a. Who has violated any state law or habitually violated local laws  
56 or ordinances except any offense which is exempted from this Act by  
57 law.

58 b. Who has violated a federal law or a law of another state and  
59 whose case has been referred to the juvenile court.

60 c. Who is uncontrolled by his parents, guardian, or legal custodian  
61 by reason of being wayward or habitually disobedient.

62 d. Who habitually deports himself in a manner that is injurious to  
63 himself or others.

64 14. "Dependent child" means a child:

65 a. Who is without a parent, guardian, or other custodian.

66 b. Who is in need of special care and treatment required by his  
67 physical or mental condition which the parents, guardian, or other  
68 custodian is unable to provide.

69 c. Whose parents, guardian, or other custodian for good cause de-  
70 sires to be relieved of his care and custody.

71 15. "Neglected child" means a child:

72 a. Who is abandoned by his parents, guardian, or other custodian.

73 b. Who is without proper parental care because of the emotional,  
74 mental, or physical disability, or state of immaturity of his parents,  
75 guardian, or other custodian.

76 c. Who is without proper parental care because of the faults or  
77 habits of his parents, guardian, or other custodian.

78 d. Who is living under conditions injurious to his mental or physical  
79 health or welfare.

80 16. "News media" means representatives of newspapers, other peri-  
81 odicals, radio and television stations, and other agencies of mass com-  
82 munication.

1 SEC. 4. Whenever the court is informed that a child is in a state of  
2 neglect, dependency, or delinquency, the court shall make a preliminary  
3 investigation of the facts to determine whether the interests of the  
4 public or of the minor require that he or she be brought under the  
5 jurisdiction of the court. After the completion of the investigation,  
6 and if the court believes, in its discretion, that the child may be neg-  
7 lected, dependent, or delinquent the court shall direct the county attor-  
8 ney or probation officer to file a petition with the clerk of court. If the  
9 facts plead are admitted by the minor and consent is obtained from the  
10 parents, or guardian of the minor, the court may make whatever  
11 informed adjustment is practical without holding a formal hearing.  
12 Efforts to affect informal adjustment may be continued not longer  
13 than three (3) months without review by the judge.

14 The petition and subsequent court documents shall be entitled "In  
15 the interest of ....., a child." The petition shall be veri-  
16 fied and any statements may be made upon information and belief.  
17 The petition shall set forth plainly:

- 18 1. The facts which bring the child within the purview of this Act.
- 19 2. The name, age, and residence of the child.
- 20 3. The names and residences of the parents of the child.
- 21 4. The name and residence of the legal guardian of the child if there  
22 be one, of the person or persons having custody or control of the child,  
23 or of the nearest known relative of the child if no parent or guardian  
24 can be found.

25 If any of the facts herein required are not known by the petitioner  
26 the petition shall so state.

27 Complaint with reference to more than one (1) child may be em-  
28 braced in one (1) count of the petition subject to being later divided  
29 or separate hearings held on order of the court.

1 SEC. 5. After a petition has been filed and unless the parties named  
2 in section six (6) of this Act voluntarily appear, the court shall set a  
3 time for hearing and shall issue a summons requiring the person who  
4 has custody or control of the child to appear with the child before the  
5 court at a time and place stated. The summons shall recite briefly the  
6 substance of the petition or shall have attached a copy of the petition  
7 and shall give notification of the right to counsel provided for in sec-  
8 tion twenty-nine (29) of this Act.

1 SEC. 6. The court shall have notice of the pendency of the case and  
2 of the time and place of the hearing served upon the parents, guardian,  
3 or legal custodian of a legitimate child or upon the mother, guardian,  
4 or legal custodian of an illegitimate child if they are not summoned to  
5 appear as provided in section five (5) of this Act. The notice shall  
6 recite briefly the substance of the petition or shall have attached a copy  
7 of the petition and shall give notification of the right to counsel pro-  
8 vided for in section twenty-nine (29) of this Act.

1 SEC. 7. The court may issue a subpoena requiring the appearance  
2 of any other person whose presence in the opinion of the court is neces-  
3 sary at the hearing. A parent or guardian shall be entitled to subpoena  
4 the attendance of witnesses on his own behalf or on behalf of the child.

1 SEC. 8. If it appears from the petition or by separate affidavit of a  
2 person having knowledge of the fact that the child is in such condition  
3 or surroundings that the welfare of the child requires that custody be  
4 immediately assumed by the court, the court may order by endorse-  
5 ment on the summons that the officer serving the summons take the  
6 child into custody immediately.

1 SEC. 9. Service of the summons shall be made personally by the  
2 delivery of an attested copy thereof to the person summoned to appear.  
3 If the judge is satisfied that personal service of the notice provided for  
4 in section six (6) of this Act is impracticable, the judge may order  
5 service by certified mail addressed to the last known address or by  
6 publication or both. Service of notice or summons shall be made not  
7 less than five (5) days before the time fixed for the hearing.

1 SEC. 10. Service of summons, process, or notice required by this  
2 Act may be made by any suitable person under the direction of the  
3 court and upon request of the court shall be made by any peace officer.

1 SEC. 11. If any person personally served with a summons or sub-  
2 poena fails without reasonable cause to appear or to bring the child,  
3 the person may be proceeded against for contempt of court or the court  
4 may issue a warrant for the arrest of the person or both. When it  
5 appears to the court that the service will be ineffectual or that the wel-  
6 fare of the child will require that the child be brought forthwith into  
7 the custody of the court, the court may issue a warrant for the child.

1 SEC. 12. The hearing on the merit of the petition shall not take  
2 place without the presence of one (1) or both of the parents or the  
3 guardian, or if none is present a guardian ad litem shall be appointed  
4 by the court to protect the interests of the child. The court may also  
5 appoint a guardian ad litem whenever necessary for the welfare of the  
6 child whether or not a parent or guardian is present.

1 SEC. 13. When it appears during the course of any trial, hearing,  
2 or proceeding that some action or remedy other than or in addition to  
3 those indicated by the application or pleadings appears appropriate,  
4 the court may, provided all necessary parties consent, proceed to hear  
5 and determine the additional or other issues as though originally prop-  
6 erly sought and pleaded.

1 SEC. 14. The court may order that a child for whom a petition has  
2 been filed shall be examined by a physician, surgeon, psychiatrist, or  
3 psychologist and may order treatment by them of a child who has been  
4 adjudicated by the court. The court may place the child in a hospital  
5 or other suitable facility for such examination or treatment.

1 SEC. 15. No decree other than discharge shall be entered until a  
2 written report of a social investigation by an officer of the court has  
3 been presented to and considered by the judge. Where the allegations  
4 of the petition are denied by the child or his parents, guardian, or  
5 custodian by written denial filed not later than two (2) days excluding  
6 Sundays and holidays after service of summons as required in section  
7 five (5) of this Act or at the time the parties appear voluntarily, the  
8 investigation shall not be made until after the allegations have been  
9 established at a hearing. The investigation shall include the circum-  
10 stances of the offense or complaint, the social history and present con-  
11 dition of the child and family, and plans for the child's immediate care,  
12 as related to the decree. In cases of support, the investigation shall  
13 also include such matters as earnings, financial obligations, and em-  
14 ployment.

1 SEC. 16. No child may be taken into immediate custody except:

2 1. With an order issued by the court in accordance with the provi-  
3 sions of section eight (8) of this Act or by a warrant issued in ac-  
4 cordance with the provisions of section eleven (11) of this Act.

5 2. In accordance with the laws relating to arrests.

6 3. By a peace officer:

7 a. When it is reasonably believed that a child has run away from his  
8 parents, guardian, or custodian.

9 b. When a child is found in surroundings or conditions which en-  
10 danger the health or welfare of the child.

11 4. By a peace officer or probation or parole officer when it is reason-  
12 ably believed that the child has violated the terms of his probation,  
13 parole, or other official supervision.

14 The taking of a child into custody under the provisions of this sec-  
15 tion shall not be considered an arrest.

1 SEC. 17. When a child is taken into custody as provided in section  
2 sixteen (16) of this Act, the parents, guardian, or custodian of the  
3 child shall be notified as soon as possible by the person taking the child  
4 into custody. Except where the immediate welfare of the child or the  
5 protection of the community requires that the child shall be detained,  
6 the child shall be released to the custody of the parents, guardian,  
7 custodian, or other suitable person on the promise of such person to  
8 bring the child to the court, if necessary, at such time as the court  
9 may direct.

1 SEC. 18. If a child is not released as provided in section seventeen  
2 (17) of this Act, the person taking the child into custody shall notify  
3 the court as soon as possible of the detention of the child and the rea-  
4 sons for the detention. The child shall be taken immediately to a place  
5 of detention specified in section nineteen (19) of this Act and may be  
6 held for not longer than twenty-four (24) hours after the taking into  
7 custody unless an order for detention specifying the reason for the  
8 detention is signed by the judge. No child may be held longer than  
9 forty-eight (48) hours after the taking into custody unless a petition  
10 has been filed and the judge determines that the child shall remain in  
11 custody or unless the court refers the matter to the prosecuting au-  
12 thority for proper action in the criminal court. The parents, guardian,  
13 or custodian of the child shall be notified of the place of detention as  
14 soon as possible. If continued detention is not ordered, the court or  
15 designated officer shall release the child in the manner provided in  
16 section seventeen (17) of this Act.

1 SEC. 19. A child may be detained as provided in section eighteen  
2 (18) of this Act in one of the following places:

3 1. A juvenile home.

4 2. A licensed facility for foster care in accordance with the laws re-  
5 lating to facilities for foster care.

6 3. A suitable place designated by the court.

7 4. A room entirely separate from adults in a jail, lockup, police sta-  
8 tion, or other adult detention facility as provided in section twenty  
9 (20) of this Act.

1 SEC. 20. No child shall at any time be confined in a police station,  
2 lockup, jail, or prison except that a child may be detained for the pur-  
3 pose of protective custody for a period not to exceed twelve (12) hours  
4 or a child fourteen (14) years of age or older may upon the order of  
5 the judge be temporarily confined in a room entirely separate from  
6 adults in an adult detention facility. A child may be detained in an  
7 adult detention facility upon order of the judge only if the child is  
8 alleged to be delinquent and has shown by his habits, conduct, or con-  
9 ditions that he constitutes a menace to himself or society to the extent

10 that he cannot be released or cannot be detained in a place designated  
11 in subsections one (1), two (2), or three (3), of section nineteen (19)  
12 of this Act.

1 SEC. 21. The sheriff, warden, or other official in charge of a jail  
2 or other facility for the detention of adult offenders or persons charged  
3 with crimes shall inform the juvenile court immediately when a child  
4 who is or appears to be under eighteen (18) years of age is received  
5 at the facility.

1 SEC. 22. County boards of supervisors may either singly or in con-  
2 junction with one (1) or more other counties provide and maintain,  
3 separate, apart, and outside the enclosure of any jail or police station,  
4 a suitable juvenile home for dependent, neglected, and delinquent chil-  
5 dren. Such a home shall be constructed so far as practicable so that  
6 children requiring detention shall be separated from the children re-  
7 quiring shelter.

1 SEC. 23. For the purpose of providing and maintaining a county or  
2 multicounty juvenile home, the board of supervisors of any county may  
3 issue bonds and authorize the expenditure of such amounts as are con-  
4 sistent with the provisions of chapter three hundred forty-five (345)  
5 of the Code. The board of supervisors of any county is authorized to  
6 levy a tax not to exceed one-half ( $\frac{1}{2}$ ) mill for the purpose of main-  
7 taining a county or multicounty juvenile home. Expenses for provid-  
8 ing and maintaining a juvenile home shall be paid by the county or  
9 counties participating in a manner to be determined by board or  
10 boards of supervisors of participating counties.

1 SEC. 24. Upon request of the board of supervisors, the county  
2 board or county boards of education shall provide suitable curriculum,  
3 teaching staff, books, supplies, and other necessary materials and  
4 equipment for the instruction of children of school age who are de-  
5 tained in the juvenile home.

1 SEC. 25. The state board of social welfare shall adopt minimal  
2 rules, regulations, and standards for the establishment, maintenance,  
3 and operation of juvenile homes as shall be necessary to effect the pur-  
4 poses of this Act. Said board shall, upon request, give guidance and  
5 consultation in the establishment and administration of a juvenile  
6 home and a juvenile home program.

1 SEC. 26. The state board of social welfare shall approve annually  
2 all county or multicounty juvenile homes established and maintained  
3 under the provisions of this Act. No county or multicounty juvenile  
4 home shall be approved unless such homes comply with minimal rules,  
5 regulations, and standards adopted by said board.

1 SEC. 27. Approved county or multicounty juvenile homes may be  
2 entitled to receive financial aid from the state in the amount and in  
3 such manner as determined by the state board of social welfare. Aid  
4 paid by the state shall not exceed fifty (50) percent of the total cost  
5 of the establishment, improvements, operation, and maintenance of a  
6 juvenile home.

1 SEC. 28. Hearings on any matter shall be without a jury and may  
2 be conducted in an informal manner. Hearings may be continued from  
3 time to time and in the interim the court may make such orders as it  
4 deems in the best interests of the child. The court shall exclude the  
5 general public from hearings and shall admit the news media, except  
6 in those cases which in the opinion of the court the best interest of the  
7 child and the public are served by a private hearing. The court shall  
8 also admit those persons who in the discretion of the court have a  
9 direct interest in the case or in the work of the court; except that if  
10 the hearing involves a child charged by information or indictment with  
11 the commission of a felony, persons having a legitimate interest in the  
12 proceedings, including responsible representatives of public informa-  
13 tion media, shall not be excluded from such hearings. The court may  
14 require the presence of witnesses deemed necessary to the disposition  
15 of the petition. Adoption hearings shall be conducted in accordance  
16 with the provisions of laws relating to adoption.

1 SEC. 29. The child, parents, guardian, or custodian shall have the  
2 right to counsel. If the minor, parents, guardian, or custodian desire  
3 but are unable to employ counsel, such counsel shall be appointed by  
4 the court.

1 SEC. 30. The county attorney shall present the evidence upon re-  
2 quest of the court in all proceedings except adoptions.

1 SEC. 31. Except in delinquency proceedings based on the alleged  
2 commission of a public offense, the court may waive the presence of  
3 the child in the court at any stage of the proceedings when the court  
4 deems it in the best interests of the child. In delinquency proceedings  
5 if the child is found to be delinquent, the court after the finding of  
6 delinquency is made may excuse the presence of the child from the  
7 hearing when the court deems it in the best interests of the child. In  
8 any proceedings, the court may temporarily excuse the presence of the  
9 parents or guardian of a child from the hearing when the court deems  
10 it in the best interests of the child. The attorney or guardian ad litem,  
11 if any, has the right to continue to participate in proceedings during  
12 the absence of the child, parents, or guardian.

1 SEC. 32. The child and his parents, guardian, or custodian are en-  
2 titled to be heard, to present evidence material to the case, and to  
3 question witnesses appearing at the hearing.

1 SEC. 33. Stenographic notes or mechanical recordings shall be re-  
2 quired in all court hearings as in other civil cases unless the parties  
3 waive the right to such records and the court so orders.

1 SEC. 34. If the court finds that the child is neglected or dependent,  
2 the court shall enter an order making any one (1) or more of the fol-  
3 lowing dispositions of the case:

4 1. Continue the proceedings from time to time under such supervi-  
5 sion as the court may direct.

6 2. Place the child under the protective supervision of the county de-  
7 partment of social welfare or a child placing agency in the home of the  
8 child under conditions prescribed by the court directed to the correc-  
9 tion of the neglect or dependency of the child.



- 10       3. Transfer legal custody of the child, subject to the continued juris-  
11 diction of the court, to one (1) of the following:  
12       a. A child placing agency.  
13       b. The county or state department of social welfare.  
14       c. A reputable individual of good moral character.  
15       4. Commit the child to the state board of control for placement at  
16 the Iowa juvenile home or the Iowa Annie Wittenmyer home.  
17       5. Commit to or place the child in any private institution or hospital  
18 for the care and training of children or any public institution for the  
19 care and training of children other than an institution under the juris-  
20 diction of the state board of control.  
21       6. If the child is in need of special treatment or care for his physical  
22 or mental health, the court may order the parents, guardian, or cus-  
23 todian of the child to provide such treatment or care. If the parents,  
24 guardian, or custodian fail to provide the treatment or care, the court  
25 may order the treatment or care provided.  
26       7. At any time while the child is under the jurisdiction of the court,  
27 the court may terminate the proceedings and order the child released  
28 from the control of the court.

- 1       SEC. 35. If the court finds that the child is delinquent, the court  
2 shall enter an order making any one (1) or more of the following dis-  
3 positions of the case:  
4       1. Continue the proceeding from time to time under such supervi-  
5 sion as the court may direct.  
6       2. Place the child under the supervision of a probation officer or  
7 other suitable person in the home of the child.  
8       3. Subject to the continued jurisdiction of the court, transfer legal  
9 custody of the child to one (1) of the following:  
10       a. A child placing agency.  
11       b. A probation department.  
12       c. A reputable individual of good moral character.  
13       4. Commit the child to the state board of control for placement at a  
14 state training school.  
15       5. Commit to or place the child in any private institution or hospital  
16 for care and training or any public institution for care and training  
17 other than an institution under the jurisdiction of the state board of  
18 control.  
19       6. If the child is in need of special treatment or care for his physical  
20 or mental health, the court may order such treatment or care provided  
21 by the parents, guardian, or custodian of the child. If the parents,  
22 guardian, or custodian fail to provide the treatment or care, the court  
23 may order the treatment or care provided.  
24       7. At any time while the child is under the court's jurisdiction, the  
25 court may terminate the proceedings and order the child released from  
26 the control of the court.

- 1       SEC. 36. Commitment to the state board of control shall vest  
2 guardianship of the person of the child so committed in the board and  
3 shall terminate the court's jurisdiction.

- 1       SEC. 37. All orders for supervision, custody, or commitment shall  
2 be enforced until the minor reaches the age of twenty-one (21) years  
3 unless otherwise specified by the court. All orders shall be reviewed by

4 the court at least annually unless the court's jurisdiction has been ter-  
5 minated. The court may make on its own motion or on the motion of  
6 an interested party and after notice to the parties and a hearing some  
7 other disposition of the case so long as the court retains jurisdiction.

1 SEC. 38. Any person, agency, or institution to whom legal custody  
2 is transferred shall report to the court in writing at such periods as  
3 the court may direct.

1 SEC. 39. When the court transfers legal custody of a minor to any  
2 agency or commits a minor to any institution, the court shall transmit  
3 its order, a copy of its findings, and a summary of its information con-  
4 cerning the minor to the agency or institution.

1 SEC. 40. Jurisdiction of a minor on probation or under protective  
2 supervision may in cases of change of residency be transferred to the  
3 court of the county wherein the new residence is established. There-  
4 upon that court will have the same power with respect to the minor  
5 that it would have had if the petition had been initiated in that court.

1 SEC. 41. No termination of the relationship between the parents  
2 and a child shall be ordered under the provisions of this Act except  
3 pursuant to the provisions set forth in sections forty-two (42) through  
4 fifty-one (51) of this Act. Sections forty-two (42) through fifty-one  
5 (51) of this Act shall apply only to a petition to terminate the rela-  
6 tionship between parent and child.

1 SEC. 42. The court may upon petition terminate the relationship  
2 between parent and child:

3 1. With the written consent of parents who for good cause desire to  
4 terminate the parent-child relationship.

5 2. If the court finds that one (1) or more of the following conditions  
6 exist:

7 a. That the parents have abandoned the child.

8 b. That the parents have substantially and continuously or repeat-  
9 edly refused to give the child necessary parental care and protection.

10 c. That although financially able, the parents have substantially and  
11 continuously neglected to provide the child with necessary subsistence,  
12 education, or other care necessary for physical or mental health or  
13 morals of the child or have neglected to pay for subsistence, education,  
14 or other care of the child when legal custody is lodged with others.

15 d. That the parents are unfit by reasons of debauchery, intoxication,  
16 habitual use of narcotic drugs, repeated lewd and lascivious behavior,  
17 or other conduct found by the court likely to be detrimental to the  
18 physical or mental health or morals of the child.

19 e. That following an adjudication of neglect or dependency, reason-  
20 able efforts under the direction of the court have failed to correct the  
21 conditions leading to the termination.

1 SEC. 43. Venue for the proceedings for the termination of parental  
2 rights is either the county where the child resides or is found. If a  
3 court has made an order under the provisions of section thirty-four  
4 (34) of this Act and the order is in force at the time the petition for  
5 termination of the parent relationship is filed, the court making the

6 order shall hear the termination proceeding unless the court transfers  
7 the proceeding to another juvenile court where venue lies.

1 SEC. 44. Any reputable person, except a parent of the child or  
2 children involved, having knowledge of circumstances which indicate  
3 that a parent-child relationship should be terminated may petition the  
4 court in the manner provided in section four (4) of this Act.

1 SEC. 45. The termination of parent-child relationship shall be  
2 made only after a hearing before the court in the manner provided in  
3 section twenty-eight (28) of this Act.

1 SEC. 46. The court shall have notice of the time, place, and purpose  
2 of the hearing served on the parents of the child, the petitioner, the  
3 guardian of the person of the child, the person having legal custody of  
4 the child, any individual standing in loco parentis of the child, and the  
5 guardian ad litem of any party. Notice shall be given in the manner  
6 provided for in sections five (5) through ten (10) of this Act, except  
7 that notice by personal service shall be made at least ten (10) days  
8 before the day of the hearing, published notice shall be made for three  
9 (3) consecutive weeks, the last publication to be at least ten (10) days  
10 before the day of the hearing, and notice sent by certified mail shall be  
11 mailed at least twenty (20) days before the day of the hearing. A  
12 parent who consents to the termination may waive in writing the  
13 notice required by this section. If the parent is incompetent the waiver  
14 shall be effective only if the guardian ad litem of the parent concurs  
15 in writing.

1 SEC. 47. The court's finding with respect to grounds for termina-  
2 tion shall be based upon a preponderance of evidence under the rules  
3 applicable to the trial of civil cases, provided that relevant and mate-  
4 rial information of any nature including that contained in reports,  
5 studies, or examinations may be admitted and relied upon to the extent  
6 of its probative value. When information contained in a report, study,  
7 or examination is admitted in evidence, the person making such a  
8 report, study, or examination shall be subject to both direct and cross-  
9 examination when reasonably available.

1 SEC. 48. If after a hearing the court does not terminate the parent-  
2 child relationship but determines that conditions of neglect or depend-  
3 ency exist, the court may find the child neglected or dependent and may  
4 enter an order in accordance with the provisions of section thirty-four  
5 (34) of this Act.

1 SEC. 49. If after a hearing the court terminates the parent-child  
2 relationship between the child and both parents or between the child  
3 and the mother if the child is born out of wedlock or between the child  
4 and the only living parent, the court shall order guardianship of the  
5 person and legal custody of the child transferred to:  
6 1. The county or state department of social welfare.  
7 2. A licensed child placing agency.  
8 3. A reputable individual of good moral character.  
9 4. The state board of control for placement at the Iowa Annie Wit-  
10 tenmyer home or the Iowa juvenile home.

1 SEC. 50. A certified copy of the findings in the order terminating  
2 the parent-child relationship and a summary of the court's information  
3 concerning the child shall be provided by the court to the department,  
4 agency, or institution to which guardianship is transferred. The  
5 orders shall be on a document separate from the findings. The court  
6 shall furnish the individual to whom guardianship is transferred a  
7 copy of the order terminating the parent-child relationship.

1 SEC. 51. Upon its own motion or upon petition of an interested  
2 party, the court having jurisdiction of the child may after notice to the  
3 parties and a hearing remove the guardian appointed by the court and  
4 appoint a new guardian in accordance with the provisions of subsections  
5 one (1), two (2), and three (3) of section forty-nine (49) of this  
6 Act. Any minor fourteen (14) years of age or older who is not adopted  
7 but who is placed in a satisfactory foster home may with the consent  
8 of the foster parents join with the guardian appointed by the court in  
9 a petition to the court having jurisdiction of the child to discharge the  
10 existing guardian and appoint the foster parents as guardians of the  
11 child. The authority of a guardian appointed by the court terminates  
12 when the individual under guardianship is no longer a minor or is  
13 adopted.

1 SEC. 52. Whenever legal custody of a minor is transferred by the  
2 court or whenever the minor is placed by the court with someone other  
3 than the parents or whenever a minor is given physical or mental  
4 examinations or treatment under order of the court and no provision  
5 is otherwise made by law for payment for the care, examination, or  
6 treatment of the minor, the costs shall be charged upon the funds of  
7 the county in which the proceedings are held upon certification of the  
8 judge. Except where the parent-child relationship is terminated, the  
9 court may inquire into the ability of the parents to support the minor  
10 and after giving the parents a reasonable opportunity to be heard may  
11 order the parents to pay in the manner and to whom the court may  
12 direct, such sums as will cover in whole or in part the cost of care,  
13 examination, or treatment of the minor. If the parents fail to pay the  
14 sum without good reason, the parents may be proceeded against for  
15 contempt or the court may inform the county attorney who shall proceed  
16 against the parents to collect the unpaid sums or both.

1 SEC. 53. The following expenses upon certification of the judge or  
2 upon such other authorization as provided by law are a charge upon  
3 the county in which the proceedings are held.

4 1. The fees and mileage of witnesses and the expenses and mileage  
5 of officers serving notices and subpoenas.

6 2. The expenses of transporting a child to a place designated by a  
7 child placing agency for the care of the child if the court transfers  
8 legal custody to a child placing agency.

9 3. The expense of transporting a child to or from a place designated  
10 by the court.

11 4. Reasonable compensation for an attorney appointed by the court  
12 to serve as counsel or guardian ad litem.

1 SEC. 54. The county charged with the cost and expenses under sections  
2 fifty-two (52) and fifty-three (53) of this Act may recover the

3 costs and expenses from the county where the child has legal settle-  
4 ment by filing verified claims which shall be payable as are other claims  
5 against the county. A detailed statement of the facts upon which the  
6 claim is based shall accompany the claim. Any dispute involving the  
7 legal settlement of a child for which the court has ordered payment  
8 under authority of this section shall be settled in accordance with sec-  
9 tions two hundred fifty-two point twenty-two (252.22) and two hun-  
10 dred fifty-two point twenty-three (252.23) of the Code.

1 SEC. 55. The legal record of the juvenile court shall be a public  
2 record, and shall include the petition, information or indictment,  
3 notices, orders, decrees and judgments.

1 SEC. 56. The proceedings concerning delinquency petitions filed by  
2 parents and petitions concerning neglected or dependent children; the  
3 reports of juvenile court probation officers; and the reports on juvenile  
4 homes shall not be public records, but the court may make them public  
5 in its discretion.

1 SEC. 57. Peace officers' records of children except for offenses  
2 exempted from this Act by law shall be kept separate from the records  
3 of persons eighteen (18) years of age or older. These records shall be  
4 public records.

1 SEC. 58. All information obtained and social records prepared in  
2 the discharge of official duties by an employee of the court shall not be  
3 disclosed directly or indirectly to any one other than the judge or  
4 others entitled under this Act to receive such information unless other-  
5 wise ordered by the judge.

1 SEC. 59. An interested party aggrieved by any order or decree of  
2 the court may appeal to the supreme court for review of questions of  
3 law and fact. The procedure for such appeals shall be governed by the  
4 same provisions applicable to appeals from the district court except  
5 when the decree or order affects the custody of a minor the appeal shall  
6 be heard at the earliest practicable time. The pendency of an appeal  
7 or application therefor shall not suspend the order of the juvenile court  
8 regarding a minor and shall not discharge the minor from the custody  
9 of the court or of the person, institution, or agency to whose care the  
10 minor has been committed or placed unless otherwise ordered by the  
11 supreme court on application of an appellant. If the supreme court  
12 does not dismiss the proceedings and discharge the minor, said court  
13 shall affirm or modify the order of the juvenile court and remand the  
14 minor to the jurisdiction of the court for disposition not inconsistent  
15 with the supreme court's finding on the appeal.

1 SEC. 60. The juvenile court and all institutions receiving children  
2 shall between the first (1st) and fifteenth (15th) day of January of  
3 each year make a report to the state board of social welfare. The  
4 report shall state the number of children of each sex brought before  
5 the court during the past year, the number for whom homes have been  
6 provided, the number sent to state institutions, and the number in  
7 institutions.

1 SEC. 61. The court in committing a child shall place such child as  
2 far as practicable in the care and custody of an individual or an insti-  
3 tution controlled by persons holding the same religious belief as the  
4 parents of the child.

1 SEC. 62. Any child taken before any justice of the peace or police  
2 court charged with a public offense shall, together with the case, be at  
3 once transferred by said court to the juvenile court.

1 SEC. 63. Chapter two hundred forty-two (242), Code 1962, is here-  
2 by amended by adding the following new section:

3 "The board of control may transfer to the schools minor wards of  
4 the state from any institution under its charge but no person shall be  
5 so transferred who is mentally ill or mentally retarded. Any child in  
6 the schools who is mentally ill or mentally retarded may be transferred  
7 by the board to the proper state institution."

1 SEC. 64. Section two hundred thirty-three point five (233.5), Code  
2 1962, is hereby amended by striking from lines three (3) and four (4)  
3 the words\* "section 232.2" and inserting in lieu thereof the words  
4 "subsection fourteen (14) of section three (3) of this Act".

1 SEC. 65. Section two hundred forty-two point six (242.6), Code  
2 1962, is hereby amended by striking from line two (2) the word "ten"  
3 and inserting in lieu thereof the word "twelve (12)".

1 SEC. 66. If any provision of this Act or the application thereof to  
2 any person shall be invalid, such invalidity shall not affect the provi-  
3 sions or application of this Act which can be given effect without the  
4 invalid provisions or application, and to this end the provisions of the  
5 Act are declared severable.

1 SEC. 67. The criminal court shall have concurrent jurisdiction  
2 with the juvenile court over children less than eighteen years of age  
3 who commit a criminal offense.

Approved June 7, 1965.

\*According to enrolled Act.

## CHAPTER 216

### BOARD OF SOCIAL WELFARE

H. F. 308

AN ACT relating to the powers and duties of the state board of social welfare.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred thirty-four point six (234.6),  
2 Code 1962, is hereby amended by adding the following subsection:

3 "Notwithstanding any provisions to the contrary in chapters two  
4 hundred thirty-nine (239), two hundred forty-one (241), two hundred  
5 forty-one A (241A), and two hundred forty-nine (249) of the Code  
6 relating to the consideration of income and resources of claimants for