

**CHAPTER 153****FAMILY IN NEED OF ASSISTANCE AND  
EMANCIPATION OF A MINOR PROCEEDINGS***S.F. 366*

**AN ACT** relating to the emancipation of a minor and family in need of assistance proceedings.

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

Section 1. Section 232.125, subsection 2, Code 2009, is amended to read as follows:

2. Such a petition may be filed by the child's parent, guardian or custodian, ~~or by the child,~~ or on the court's own motion as provided in section 232C.2. The judge, county attorney, or juvenile court officer may authorize such parent, guardian, custodian, or child to file a petition with the clerk of the court without the payment of a filing fee.

Sec. 2. Section 232.127, Code 2009, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 11. If after hearing pursuant to this section, the court finds, by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship, the court may order the minor emancipated pursuant to section 232C.3, subsection 4.

Sec. 3. **NEW SECTION.** 232C.1 EMANCIPATION PETITION — HEARING.

1. A minor who desires to become emancipated may file a petition for an order of emancipation in juvenile court if all of the following apply:

- a. The minor is sixteen years of age or older.
- b. The minor is a resident of this state.
- c. The minor is not in the care, custody, or control of the state.

2. A petition filed pursuant to this section shall contain the following:

- a. The petitioner's name, mailing address, and date of birth.
- b. The name, mailing address<sup>1</sup> of the petitioner's parents or legal guardian.
- c. Specific facts to support the petition including but not limited to the following:
  - (1) The minor has demonstrated financial self-sufficiency, including proof of employment or other means of support, which does not include assistance or subsidies from a federal, state, or local governmental agency.
  - (2) The minor has demonstrated an ability to manage the personal affairs of the minor.
  - (3) The minor has demonstrated an ability and commitment to obtain and maintain education, vocational training, or employment.
  - (4) Any other information considered necessary to support the petition.
- d. Any one of the following:
  - (1) Documentation that the minor has been living on the minor's own for at least three consecutive months.
  - (2) A statement explaining the reasons the minor believes the home of the minor's parents or legal guardian is not a healthy or safe environment.
  - (3) A notarized statement that contains written consent to emancipation by the minor's parents or legal guardian.

3. The court shall hold a hearing on the petition within ninety days of the filing of the petition. Notice of the hearing, with a copy of the petition attached, shall be served by personal service on the minor's parent or legal guardian at least thirty days prior to the hearing date. Any other parties shall be notified as provided by the rules of civil procedure for service of an original notice.

4. The minor may participate in the court proceedings on the minor's own behalf, or may be represented by the minor's own counsel, or the court may appoint a guardian ad litem on behalf of the minor.

<sup>1</sup> According to enrolled Act; the phrase "name and mailing address" probably intended

Sec. 4. NEW SECTION. 232C.2 STAY — MEDIATION — REFERRAL TO FAMILY IN NEED OF ASSISTANCE.

1. Prior to an emancipation hearing held pursuant to section 232C.1, the court, on its own motion, may stay the proceedings, and refer the parties to mediation, or request that the department of human services investigate any allegations of child abuse or neglect contained in the petition, and order that a written report be prepared and filed by the department.

2. If a minor's parent or guardian objects to the petition filed pursuant to section 232C.1, the juvenile court shall stay the proceedings and refer the parties to mediation unless the juvenile court finds that mediation would not be in the best interests of the minor.

3. If an agreement is reached through mediation, the parties shall file the signed agreement with the juvenile court.

4. Notwithstanding subsections 1 through 3, the juvenile court, on its own motion, may discontinue emancipation proceedings pursuant to this chapter and interpret the petition as a petition to initiate family in need of assistance proceedings and consider the petition under sections 232.122 through 232.127.

Sec. 5. NEW SECTION. 232C.3 DETERMINATION OF EMANCIPATION — BEST INTERESTS OF THE MINOR.

1. The juvenile court shall determine emancipation based on the best interests of the minor and shall consider all relevant factors including the following:

a. The potential risks and consequences of emancipation and whether the minor understands the risks and consequences of emancipation.

b. The ability of the minor to be financially self-sufficient.

c. The education level of the minor and success achieved in school.

d. The criminal record of the minor.

e. The desires of the minor.

f. The recommendations of the parents or guardian of the minor.

2. The minor has the burden of proving by clear and convincing evidence that the requirements for ordering emancipation under this section have been met.

3. The juvenile court shall carefully consider the best interests of the minor and after hearing and consideration of the factors enumerated in this section, the juvenile court may order the minor emancipated or deny the petition for emancipation.

4. If after referral of a petition for the initiation of family in need of assistance proceedings pursuant to section 232C.2, the juvenile court finds, by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship under the family in need of assistance proceedings pursuant to sections 232.122 through 232.127, the juvenile court may order the minor emancipated as provided in this section.

Sec. 6. NEW SECTION. 232C.4 EFFECT OF EMANCIPATION ORDER.

1. An emancipation order shall have the same effect as a child reaching the age of majority with respect to but not limited to the following:

a. The ability to sue or be sued in the child's own name.

b. The right to enter into a binding contract.

c. The right to establish a legal residence.

d. The right to incur debts.

e. The right to consent to medical, dental, or psychiatric care.

2. An emancipation order shall have the same effect as the child reaching the age of majority and the parents are exempt from the following:

a. Future child support obligations for the emancipated child.

b. An obligation to provide medical support for the emancipated child, unless deemed necessary by the court.

c. A right to the income or property of the emancipated child.

d. A responsibility for the debts of the emancipated child.

3. An emancipated minor shall remain subject to voting restrictions under chapter 48A,

gambling restrictions under chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under chapter 123, compulsory attendance requirements under chapter 299, and cigarette tobacco restrictions under chapter 453A.

4. An emancipated child shall not be considered an adult for prosecution except as provided in section 232.8.

5. Notwithstanding sections 232.147 through 232.151, the emancipation order shall be released by the juvenile court subject to rules prescribed by the supreme court.

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify the child support recovery unit of the department of human services of the emancipation.

Approved May 26, 2009

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## CHAPTER 154

### DISPOSAL OF DEAD ANIMAL BODIES

S.F. 405

**AN ACT** providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable.

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

Section 1. Section 167.3, Code 2009, is amended to read as follows:

167.3 "DISPOSING" DEFINED.

1. ~~Any A~~ person who ~~shall receive~~ receives from any other person the body of any dead animal for the purpose of obtaining the hide, skin, or grease from such animal, in any way whatsoever, or any part thereof, shall be deemed to be engaged in the business of disposing of the bodies of dead animals, and must be the operator or employee of a licensed disposal plant.

2. A disposal plant does not include an operation where the body of a dead animal is cremated, so long as the operation does not use the body of a dead animal for any other purpose described in subsection 1.

Sec. 2. Section 167.18, Code 2009, is amended to read as follows:

167.18 DUTY TO DISPOSE OF DEAD BODIES.

1. A person who has been caring for or who owns an animal that has died shall not allow the carcass to lie about the person's premises. The carcass shall be disposed of within ~~twenty-four hours~~ a reasonable time after death by composting, cooking, burying, or burning, as provided in this chapter, or by disposing of it, within the allowed time, to a person licensed to dispose of it.

2. Subsection 1 does not apply to a veterinarian, issued a valid license or a valid temporary permit by the Iowa board of veterinary medicine as provided in chapter 169, who contains a dead animal's carcass in a manner that prevents an outbreak of disease.

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