

## CHAPTER 1048

### CHILD IN NEED OF ASSISTANCE PROCEEDINGS — TRANSFER OF GUARDIANSHIP

H.F. 2421

**AN ACT** relating to transfer of guardianship in child in need of assistance proceedings.

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

Section 1. NEW SECTION. **232.101A Transfer of guardianship to custodian.**

1. After a dispositional hearing the court may enter an order transferring guardianship of the child to a custodian if all of the following conditions are met:

- a. The person receiving guardianship meets the definition of custodian in section 232.2.
- b. The person receiving guardianship has assumed responsibility for the child prior to filing of the petition under this division and has maintained placement of the child since the filing of the petition under this division.
- c. The parent of the child does not appear at the dispositional hearing, or the parent appears at the dispositional hearing, does not object to the transfer of guardianship, and agrees to waive the requirement for making reasonable efforts as defined in section 232.102.

2. If the court transfers guardianship pursuant to subsection 1, the court may close the child in need of assistance case by transferring jurisdiction over the child's guardianship to the probate court. The court shall inform the proposed guardian of the guardian's reporting duties under section 633.669 and other duties under chapter 633. Upon transferring jurisdiction, the court shall direct the probate clerk, once the proposed guardian has filed an oath of office and identification in accordance with section 602.6111, to issue letters of appointment for guardianship and docket the case in probate. Records contained in the probate case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency.

Sec. 2. Section 633.675, subsection 2, Code 2014, is amended to read as follows:

2. Notwithstanding subsection 1, paragraphs "a" through "d", if the court appointed a guardian for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.101A or 232.104, the court shall not enter an order terminating the guardianship before the child becomes age eighteen unless the court finds by clear and convincing evidence that the best interests of the child warrant a return of custody to the child's parent.

Sec. 3. Section 633.679, subsection 2, Code 2014, is amended to read as follows:

2. Unless the child or guardian dies or other exceptional circumstances arise, if the court has appointed a guardian for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.101A or 232.104, a petition shall not be filed asking that the guardianship be terminated or modified until at least six months has elapsed from the date the order was entered appointing the guardian.

Approved March 26, 2014