

FEB 25 2004  
HUMAN RESOURCES

HOUSE FILE 2360  
BY HEDDENS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act revising terminology used for child in need of assistance  
2 proceedings.

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

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HF 2360

1 Section 1. Section 232.2, subsection 6, paragraphs e, f,  
2 g, and m, Code Supplement 2003, are amended to read as  
3 follows:

4 e. Who is in need of medical treatment to cure, alleviate,  
5 or prevent serious physical injury or illness and whose  
6 parent, guardian, or custodian ~~is-unwilling-or-unable-to~~  
7 provide-such-treatment fails to exercise a reasonable degree  
8 of care to supply the treatment and unreasonably refuses other  
9 means made available to supply the treatment.

10 f. Who is in need of treatment to cure or alleviate  
11 serious mental illness or disorder, or emotional damage as  
12 evidenced by severe anxiety, depression, withdrawal, or  
13 untoward aggressive behavior toward self or others and whose  
14 parent, guardian, or custodian ~~is-unwilling-or-unable-to~~  
15 provide-such-treatment fails to exercise a reasonable degree  
16 of care to supply the treatment and unreasonably refuses other  
17 means made available to supply the treatment.

18 g. Whose parent, guardian, or custodian fails to exercise  
19 a ~~minimal~~ reasonable degree of care in supplying the child  
20 with adequate food, clothing, or shelter and unreasonably  
21 refuses other means made available to provide supply such  
22 essentials.

23 m. Who is in need of treatment to cure or alleviate  
24 chemical dependency and whose parent, guardian, or custodian  
25 ~~is-unwilling-or-unable-to-provide-such-treatment~~ fails to  
26 exercise a reasonable degree of care to supply the treatment  
27 and unreasonably refuses other means made available to supply  
28 the treatment.

29 EXPLANATION

30 This bill revises elements of the term "child in need of  
31 assistance" (CINA) used in Code chapter 232, the juvenile  
32 justice code.

33 The bill addresses elements involving children who are in  
34 need of medical treatment, treatment to address serious mental  
35 illness or disorders, or emotional damage, or treatment of

1 chemical dependency. Under current law, a child meets the  
2 CINA definition if the child has any of these treatment needs  
3 and the parent, guardian, or custodian is unwilling or unable  
4 to provide the treatment. Instead, the bill provides the CINA  
5 definition is met when the parent, guardian, or custodian  
6 fails to exercise a reasonable degree of care to supply the  
7 treatment and unreasonably refuses other means made available  
8 to supply the treatment.

9 The bill also changes the CINA element involving a parent,  
10 guardian, or custodian's failure to exercise a minimal degree  
11 of care in supplying the child with adequate food, clothing,  
12 or shelter and refusal of other means made available to supply  
13 such essentials. The bill replaces the "minimal degree"  
14 standard with a "reasonable degree" standard and requires that  
15 the refusal be unreasonable.

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