

FEB 26 2004

JUDICIARY

HOUSE FILE 2388

BY HUTTER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act expanding the circumstances by which the juvenile court  
2 may modify, vacate and substitute, or terminate a child in  
3 need of assistance dispositional order.

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

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HF 2388

1 Section 1. Section 232.103, subsection 4, Code Supplement  
2 2003, is amended to read as follows:

3 4. The court may modify a dispositional order, vacate and  
4 substitute a dispositional order, or terminate an a  
5 dispositional order and release the child if the court finds  
6 that the any of the following circumstances exist:

7 a. The purposes of the order have been accomplished and  
8 the child is no longer in need of supervision, care, or  
9 treatment.

10 b. The purposes of the order cannot reasonably be  
11 accomplished.

12 c. The efforts made to effect the purposes of the order  
13 have been unsuccessful and other options to effect the  
14 purposes of the order are not available.

15 d. The purposes of the order have been sufficiently  
16 accomplished and the continuation of supervision, care, or  
17 treatment is unjustified or unwarranted.

18 EXPLANATION

19 This bill expands the circumstances by which the juvenile  
20 court may modify, vacate and substitute, or terminate a child  
21 in need of assistance dispositional order.

22 Current law under Code section 232.103 authorizes the  
23 court, upon a motion or upon the court's own motion, to  
24 terminate an order and release the child if the court finds  
25 the purposes of the order have been accomplished and the child  
26 is no longer in need of supervision, care, or treatment.

27 The bill expands this authority to modification of a  
28 dispositional order or vacation and substitution of a  
29 dispositional order. Additional grounds are provided if the  
30 court finds that the purposes of the order cannot reasonably  
31 be accomplished, the efforts made to effect the purposes of  
32 the order were unsuccessful and other viable options are  
33 unavailable, or the purposes have been sufficiently  
34 accomplished and the continuation of supervision, care, or  
35 treatment is unjustified or unwarranted.