

House Study Bill 224 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to service of process relating to juvenile
2 delinquency proceedings and termination of the parent-child
3 relationship proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.37, subsection 4, Code 2019, is
2 amended to read as follows:

3 4. Service of summons or notice shall be made personally by
4 the sheriff by delivering a copy of the summons or notice to
5 the person being served. If the court determines that personal
6 service of a summons or notice is impracticable, the court may
7 order service by certified mail addressed to the last known
8 address, or by electronic mail or other electronic means with
9 the consent of the party to be served. Service of summons or
10 notice shall be made not less than five days before the time
11 fixed for hearing. Service of summons, notice, subpoenas or
12 other process, after an initial valid summons or notice, shall
13 be made in accordance with the rules of the court governing
14 such service in civil actions.

15 Sec. 2. Section 232.112, subsection 3, Code 2019, is amended
16 to read as follows:

3. Notice under this section shall be served personally,
~~or shall be~~ sent by restricted certified mail, or sent by
electronic mail or other electronic means with the consent of
the party to be served, whichever is determined by the court to
be the most effective means of notification. Such notice shall
be made according to the rules of civil procedure relating to
an original notice where not inconsistent with the provisions
of this section. Notice by personal delivery shall be served
not less than seven days prior to the hearing on termination
of parental rights. Notice by restricted certified mail shall
be sent not less than fourteen days prior to the hearing
on termination of parental rights. A notice by restricted
certified mail which is refused by the necessary party given
notice shall be sufficient notice to the party under this
section.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

35 This bill provides an alternative to service of process

1 relating to juvenile delinquency proceedings and termination of
2 parental rights proceedings under Code chapter 232 (juvenile
3 justice).

4 The bill provides that in the context of providing service of
5 a summons or notice to specified parties relating to a formal
6 judicial proceeding to determine whether a child has committed
7 a delinquent act, if the court determines that personal service
8 of a summons or notice is impracticable, the court may, in
9 addition to the current option of ordering service by certified
10 mail addressed to the last known address of the party, provide
11 service by electronic mail or other electronic means with the
12 consent of the party to be served.

13 In the context of termination of the parent-child
14 relationship proceeding, the bill provides that the provision
15 of notice to necessary parties, in addition to the current
16 options of personal service and sending notice by restricted
17 certified mail, shall include sending notice by electronic mail
18 or other electronic means with the consent of the party to be
19 served, whichever is determined by the court to be the most
20 effective means of notification.