

Senate Study Bill 1066 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to the modification of a bridge order issued
2 pursuant to a previous child in need of assistance case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.103A, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6A. *a.* If a bridge order currently
4 exists for a child, a juvenile court may close a child in
5 need of assistance case by transferring jurisdiction over the
6 child's custody, physical care, and visitation to the district
7 court through modification of that bridge order, if all of
8 the criteria in section 1, paragraphs "a", "b", "c", and "f",
9 are met and the juvenile court has determined that the child
10 in need of assistance case can safely close once the child's
11 previous bridge order is modified and entered by the district
12 court.

13 *b.* The modification of a bridge order pursuant to paragraph
14 "a" shall designate the petitioner and respondent in the
15 existing bridge order as petitioner and respondent in their
16 previously designated roles. A modification of a bridge order
17 shall only address custody, physical care, and visitation.
18 All other matters, including child support, shall be filed by
19 separate petition or by action of the child support recovery
20 unit, and shall be subject to existing applicable statutory
21 provisions.

22 *c.* Filing fees and other court costs shall not be assessed
23 against the parties.

24 *d.* The district court shall take judicial notice of the
25 juvenile file in any hearing related to the case. Records
26 contained in the district court case file that were copied or
27 transferred from the juvenile court file concerning the case
28 shall be subject to section 232.147 and other confidentiality
29 provisions of this chapter for cases not involving juvenile
30 delinquency, and shall be disclosed, upon request, to the child
31 support recovery unit without a court order.

32 EXPLANATION

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

35 This bill relates to the ability of a juvenile court to

1 close a child in need of assistance (CINA) case by transferring
2 jurisdiction through modification of a bridge order issued
3 pursuant to a previous CINA case.

4 Under current law, a juvenile court may close a CINA case by
5 issuing a bridge order that would transfer jurisdiction to the
6 district court. If the child is subject to a subsequent CINA
7 case, the juvenile court is required to issue a new order for
8 the case and a court would have to rescind the previous bridge
9 order. The bill provides that if a bridge order currently
10 exists for a child in a CINA case, a juvenile court may close
11 a CINA case by transferring jurisdiction over the child's
12 custody, physical care, and visitation to the district court
13 through a modification of the bridge order issued pursuant
14 to the previous CINA case if the child has been adjudicated
15 a CINA in an active juvenile court case, and a dispositional
16 order in that case is in place; paternity of the child has been
17 legally established, including by operation of law due to the
18 individual's marriage to the mother at the time of conception,
19 birth, or at any time during the period between conception
20 and birth of the child, by order of a court of competent
21 jurisdiction, or by administrative order when authorized by
22 state law; the child is safely placed by the juvenile court
23 with a parent; a parent qualified for a court-appointed
24 attorney in the juvenile court case; and the juvenile court has
25 determined that the CINA case can safely close once the child's
26 previous bridge order is modified and entered by the district
27 court.

28 The bill requires a bridge order to designate the petitioner
29 and respondent in the existing bridge order as petitioner and
30 respondent in their previously designated roles.

31 The bill restricts the scope of a modification of a bridge
32 order to issues pertaining to custody, physical care, and
33 visitation. All other matters, including child support, shall
34 be filed by separate petition or by action of the child support
35 recovery unit, and shall be subject to existing applicable

1 statutory provisions.

2 The bill waives filing fees and other court costs related
3 to the juvenile court transferring jurisdiction to a district
4 court pursuant to a modification of a bridge order.

5 The bill requires the district court to take judicial notice
6 of the juvenile file in any hearing related to the case being
7 transferred pursuant to a modification of a bridge order.

8 Records contained in the district court case file that were
9 copied or transferred from the juvenile court file concerning
10 the case are subject to all Code chapter 232 (juvenile justice)
11 confidentiality provisions, and must be disclosed, upon
12 request, to the child support recovery unit without a court
13 order.