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Senate File 321
By BUCK, O'MALLEY, ELIJAH, SHAFF, FROMMELT and FULTON (Mensing, Maule, Kreager and Hirsch).

Passed Senate, Date..... Passed House, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to amend, revise, and codify the statutes relating to juvenile court structure and dependent, neglected, and delinquent children.

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

1 Section 1. Chapters two hundred thirty-one (231) and two
2 hundred thirty-two (232), Code 1962, are hereby repealed and
3 sections two (2) through seventy-seven (77) of this Act are
4 enacted in lieu thereof.

1 Sec. 2. This Act shall be liberally construed to the end
2 that each child coming within the jurisdiction of the court shall
3 receive, preferably in his home, the care, guidance and
4 control that will conduce to his welfare and the best interests
5 of the state, and that when he is removed from the control of
6 his parents, the court shall secure for him care as nearly as
7 possible equivalent to that which he should have been given.

1 Sec. 3. When used in this Act, unless the context otherwise
2 requires:
3 1. "Court" means the juvenile court division of the district
4 court.
5 2. "Judge" means judge of the juvenile court division of the
6 district court.
7 3. "Child" means a person less than eighteen (18) years of
8 age.

9 4. "Minor" means a person less than twenty-one (21) years
10 of age.
11 5. "Adult" means a person twenty-one (21) years of age or
12 older.
13 6. "Detention" means the temporary care of children who re-
14 quire secure custody for their own or the community's protection
15 in physically restricting facilities pending court disposition.
16 7. "Shelter" means the temporary care of children in physi-
17 cally unrestricting facilities pending court disposition.
18 8. "Guardianship of the person" with respect to a minor means
19 the duty and authority to make important decisions in matters
20 having a permanent effect on the life and development of the
21 minor and to be concerned about the general welfare of the
22 minor. Guardianship of the person includes but is not limited
23 to:
24 a. The authority to consent to marriage, to enlistment in the
25 armed forces of the United States, and to major medical, psychi-
26 atric and surgical treatment, to represent the minor in legal
27 actions, and to make other decisions concerning the child of sub-
28 stantial legal significance.
29 b. The authority and duty of reasonable visitation except to
30 the extent that such right of visitation has been limited by
31 court order.
32 c. The rights and responsibilities of legal custody except
33 where legal custody has been vested in another individual or in
34 an authorized agency.
35 d. When the parent-child relationship has been terminated by
36 judicial decree with respect to the parents or only living
37 parent, or when there is no living parent, the authority to

38 consent to the adoption of the child and to make any other deci-
39 sion concerning the child which could be made by the child's
40 parents.

41 A juvenile court guardianship of the person does not include
42 guardianship of any estate of the child.

43 9. "Legal custody" means the relationship created by the
44 court's decree which imposes on the custodian the responsibility
45 of physical possession of the child and the duty to protect,
46 train, and discipline him and to provide him with food, clothing,
47 shelter, education, and ordinary medical care, all subject to
48 residual parental rights and responsibilities and the rights and
49 responsibilities of the guardian of the person.

50 10. "Probation" is a legal status created by court order
51 following an adjudication of delinquency whereby a minor is per-
52 mitted to remain in his home subject to supervision by the court
53 or an agency designated by the court and subject to return to the
54 court for violation of probation at any time during the period of
55 probation.

56 11. "Protective supervision" is a legal status created by
57 court order in proceedings not involving violation of law but
58 when the legal custody of the child is subject to change, whereby
59 the child is permitted to remain in his home under the supervi-
60 sion of the court or an agency designated by the court and sub-
61 ject to return to the court during the period of protective
62 supervision.

63 12. "Commit" means to transfer legal custody.

64 13. "Delinquent child" means a child:

65 a. Who has violated any state or local law or ordinance ex-
66 cept as such offense is exempt from this Act by law.

67 b. Who has violated a federal law or a law of another state
68 and whose case has been referred to the juvenile court.
69 c. Who is uncontrolled by his parent, guardian, or legal
70 custodian by reason of being wayward or habitually disobedient.
71 d. Who habitually deports himself in a manner that is injuri-
72 ous to himself or others.
73 14. "Dependent child" means a child:
74 a. Who is without a parent, guardian, or other custodian.
75 b. Who is in need of special care and treatment required by
76 his physical or mental condition which the parent, guardian, or
77 other custodian is unable to provide.
78 c. Whose parent, guardian, or other custodian for good cause
79 desires to be relieved of his care and custody.
80 15. "Neglected child" means a child:
81 a. Who is abandoned by his parent, guardian, or other custo-
82 dian.
83 b. Who is without proper parental care because of the emo-
84 tional, mental, or physical disability, or state of immaturity
85 of his parent, guardian, or other custodian.
86 c. Who is without proper parental care because of the faults
87 or habits of his parent, guardian, or other custodian.
88 d. Who is living under conditions injurious to his mental or
89 physical health or welfare.
1 Sec. 4. There is hereby established in each judicial district
2 a division of the district court to be called the juvenile court.
1 Sec. 5. The chief justice of the supreme court shall desig-
2 nate one of the judges of each of the judicial districts to act
3 as judge of the juvenile court until further designation.

4 The designation of any judge as judge of the juvenile court
5 shall not deprive him of other judicial powers nor the other
6 judges of the power to act as judge of the juvenile court during
7 the absence, inability to act, or upon request of the regularly
8 designated juvenile judge.

1 Sec. 6. At least once each year, the chief justice of the
2 supreme court shall call a conference of the judges of the
3 juvenile courts for the purpose of discussing and establishing
4 general policies for the conduct of the juvenile courts and rec-
5 ommending uniform rules and forms governing procedures and prac-
6 tices of the juvenile courts.

1 Sec. 7. The judge designated as judge of the juvenile court
2 in any district shall appoint one (1) or more probation officers
3 for any county or group of counties within his district to carry
4 out the work of the court. In any county or group of counties
5 where more than one (1) officer is appointed, one (1) of such
6 officers shall be designated as chief probation officer. The
7 salaries of such officers shall be fixed by the judge making the
8 appointments but in no case shall the salary of a chief probation
9 officer exceed seventy (70) percent of the salary of the judge
10 nor shall the salary of a deputy probation officer exceed sixty
11 (60) percent of the salary of such judge.

12 When officers are appointed to serve more than one county,
13 their salaries and the expenses of the probation offices shall
14 be prorated among the counties served in such proportion as may
15 be determined by the judge who shall in making such determina-
16 tion consider the volume of work in the several counties.

1 Sec. 8. All probation officers shall be selected and appointed

2 in accordance with such rules as to standards and qualifica-
3 tions as shall be established by the supreme court pursuant to
4 section six hundred eighty-four point twenty-one (684.21) of the
5 Code. This section shall not affect in any way the appointment
6 or term of office of any probation officer presently serving in
7 any county or counties.

1 Sec. 9. Secretarial and clerical help as may be needed in the
2 administration of any probation office shall be appointed by the
3 judge who shall fix their salaries.

1 Sec. 10. Probation officers in the discharge of their duties
2 shall possess the powers of peace officers. Probation officers
3 shall be furnished by the county with a proper office and all
4 necessary supplies and equipment. It shall be the duty of pro-
5 bation officers to make investigations as may be required by the
6 court, to be present in court when cases are heard, to furnish
7 to the court such information and assistance as the judge may re-
8 quire, and to take charge of any child before and after hearing
9 as may be directed by the court.

1 Sec. 11. All probation officers shall serve during the pleas-
2 ure of the judge and in addition to salaries shall receive their
3 necessary and actual expenses incurred while performing their
4 duties. For use of an automobile in the discharge of their
5 duties within the particular county or counties for which they
6 are appointed, probation officers may receive the mileage rate
7 provided by law or in lieu thereof may receive a monthly al-
8 lowance in such amounts as the judge may determine and order.
9 For use of an automobile outside the county or counties for which
10 they have been appointed, probation officers shall be paid the
11 regular mileage rate. All salaries and expenses shall be paid by

12 the county either from the general county fund or from the court
13 expense fund.

1 Sec. 12. Except as otherwise provided by law, the juvenile
2 court shall have exclusive original jurisdiction in proceedings
3 concerning any child who is alleged to be delinquent, neglected,
4 or dependent and in proceedings concerning any minor alleged to
5 have been a delinquent as defined in section three (3), subsec-
6 tion thirteen (13), paragraph a. of this Act prior to having be-
7 come eighteen (18) years of age.

1 Sec. 13. The juvenile court shall have exclusive original
2 jurisdiction in proceedings concerning:

3 1. Determination of parent-child relationships in accordance
4 with sections fifty-nine (59) through sixty-eight (68) of this
5 Act.

6 2. The appointment and removal of a juvenile court guardian
7 of the person for a child where parent-child relationships have
8 been terminated under sections sixty-six (66) through sixty-eight
9 (68) of this Act.

10 3. Judicial consent to the marriage of a minor when required
11 by law.

12 4. The adoption of any child.

13 5. The commitment or ordering of treatment of a mentally re-
14 tarded or mentally ill minor.

15 6. The interstate compact on juveniles.

1 Sec. 14. Nothing contained in this Act shall deprive other
2 divisions of the district court of the right to determine the
3 custody or guardianship of the person of children when such cus-
4 tody or guardianship is incidental to the determination of causes
5 pending in those divisions. Such divisions, however, may certify

6 said questions to the juvenile court for hearing and determina-
7 tion or recommendation.

1 Sec. 15. Except where the juvenile court has referred an
2 alleged violation to a prosecuting authority in accordance with
3 the provisions of section twenty-one (21) of this Act, any court
4 or division of the district court other than the juvenile court
5 shall immediately transfer to the juvenile court of the county,
6 the case of a minor who appears before the court on a charge of
7 violating any state or local law or ordinance, not excepted from
8 this Act by law, and who is under eighteen (18) years of age or
9 who was under eighteen (18) years of age at the time of the com-
10 mission of the alleged offense.

11 If the district court is making the transfer to its juvenile
12 court, it may do so by order of the judge. Any court other than
13 the district court shall transfer the case by filing with the
14 clerk of the district court a certificate showing the name, age,
15 and residence of the minor, the names and addresses of the parent
16 or guardian, if known, and the reasons for appearance of the
17 minor in court together with all the papers, documents, and tes-
18 timony connected therewith. The certificate or the district
19 court order shall have the effect of a petition filed in the ju-
20 venile court unless the judge of the juvenile court in his dis-
21 cretion directs the filing of a new petition which shall super-
22 sede the certificate or order of transfer.

23 The jurisdiction of the juvenile court shall attach immedi-
24 ately upon the signing of the certificate or order of transfer
25 and from the time of transfer any custody or detention of the
26 minor shall be under the provisions of this Act.

1 Sec. 16. Jurisdiction obtained by the court in the case of

2 a minor shall be retained by the court until the minor becomes
3 twenty-one (21) years of age unless terminated prior thereto by
4 order of court or provision of law. When a minor eighteen (18)
5 years of age or over already under the jurisdiction of the court
6 is convicted of an indictable offense in a criminal court, that
7 conviction shall terminate the jurisdiction of the juvenile court.

1 Sec. 17. Venue for any proceedings under sections twelve (12)
2 and thirteen (13) of this Act, except adoptions, shall be in the
3 county where the minor is found or the county of the minor's
4 residence. If delinquency as defined in section three (3),
5 subsection thirteen (13), paragraph a. of this Act is alleged,
6 the county where the alleged delinquency occurred shall also have
7 venue.

1 Sec. 18. The judge may transfer any proceedings brought under
2 sections twelve (12) and thirteen (13) of this Act, except adop-
3 tions, to the court of any county having venue as provided in
4 section seventeen (17) of this Act at any stage of the proceed-
5 ings in the following manner:

6 1. When it appears that the best interests of the minor,
7 society, or the convenience of the proceedings will be served by
8 a transfer, the court may transfer the case to the court of the
9 county of the minor's residence.

10 2. With the consent of the receiving court, the court may
11 transfer the case to the court of the county where the minor is
12 found.

13 3. If a delinquency is alleged based on the commission of a
14 public offense, the court may transfer with the consent of the
15 receiving court to the county where the alleged delinquency oc-
16 curred.

1 Sec. 19. The court shall transfer the case by ordering the
2 transfer and a continuance and by forwarding to the clerk of the
3 appropriate court a certified copy of all papers filed together
4 with an order of transfer. The judge of the receiving court may
5 accept the filings of the transferring court or may direct the
6 filing of a new petition and hear the case anew.

1 Sec. 20. If it appears at any stage of the proceedings that
2 a minor before the court is a resident of another state, the
3 court may invoke the provisions of the interstate compact on
4 juveniles or if it is in the best interest of the minor, the
5 court may place the minor in the custody of his parents, guardian,
6 or custodian, if the parent, guardian, or custodian agrees to
7 accept custody of the minor and return the minor to the other
8 state.

1 Sec. 21. When a petition alleging delinquency under section
2 three (3), subsection thirteen (13), paragraph a. of this Act
3 is based on an alleged act committed after the minor's sixteenth
4 birthdate and the court after a hearing deems it contrary to the
5 best interest of the minor or the public to retain jurisdiction,
6 the court may enter an order making such findings and referring
7 the alleged violation to the appropriate prosecuting authority
8 for proper action under the criminal law. The order of reference
9 terminates the jurisdiction of the court in the matter.
10 When a petition has been filed in the juvenile court, a minor
11 shall not thereafter be subject to a criminal prosecution based
12 on the facts giving rise to the petition except as provided in
13 this section.

1 Sec. 22. Whenever the court is informed by any competent

2 person that a minor is within the purview of this Act, a petition
3 may be filed by any informed person in all cases except neglect,
4 dependency, and delinquency. In neglect, dependency, and delin-
5 quency cases, the court shall make such preliminary investigation
6 of the facts alleged which bring the minor under this Act as the
7 court may deem necessary to determine whether the interests of
8 the public or of the minor require that further action be taken.
9 After such investigation, the judge or the probation officer may
10 authorize the filing of a petition with the clerk of the court by
11 any informed person without payment of a filing fee or may make
12 whatever informal adjustment is practicable without a petition,
13 provided that the facts appear to establish prima facie jurisdic-
14 tion and are admitted by the minor and provided that consent is
15 obtained from the person having care and custody of the minor.
16 Efforts to effect informal adjustment may be continued not longer
17 than three (3) months without review by the judge.
18 The petition and subsequent court documents shall be entitled
19 "In the interest of ....., a minor." The petition shall
20 be verified and the statements may be made upon information and
21 belief. The petition shall set forth plainly:
22 1. The facts which bring the minor within the purview of
23 this Act.
24 2. The name, age and residence of the minor.
25 3. The names and residences of the parents of the minor.
26 4. The name and residence of the legal guardian of the minor
27 if there be one, of the person or persons having custody or
28 control of the minor, or of the nearest known relative of the
29 minor if no parent or guardian can be found.

30 If any of the facts herein required are not known by the peti-
31 tioner the petition shall so state.
32 Complaint with reference to more than one minor may be em-
33 braced in one count of the petition subject to being later di-
34 vided or separate hearings held on order of the court.
1 Sec. 23. After a petition has been filed and unless the par-
2 ties named in section twenty-four (24) of this Act voluntarily
3 appear, the court shall set a time for hearing and shall issue a
4 summons requiring the person who has custody or control of the
5 minor to appear with the minor before the court at a time and
6 place stated. The summons shall recite briefly the substance of
7 the petition or shall have attached a copy of the petition and
8 shall give notification of the right to counsel provided for in
9 section forty-seven (47) of this Act.
1 Sec. 24. The court shall have notice of the pendency of the
2 case and of the time and place of the hearing served upon the
3 parents, guardian, or legal custodian of a legitimate minor or
4 the mother, guardian, or legal custodian of an illegitimate minor
5 if they are not summoned as provided in section twenty-three (23)
6 of this Act. The notice shall recite briefly the substance of
7 the petition or shall have attached a copy of the petition and
8 shall give notification of the right to counsel provided for in
9 section forty-seven (47) of this Act.
10 The court may issue a subpoena requiring the appearance of any
11 other person whose presence in the opinion of the court is neces-
12 sary. A parent or guardian shall be entitled to subpoena the
13 attendance of witnesses on his own behalf or on behalf of the
14 minor.

1 Sec. 25. If it appears from the petition or by separate af-
2 fidavit of a person having knowledge of the fact that the minor is
3 in such condition or surroundings that his welfare requires that
4 his custody be immediately assumed by the court, the court may
5 order by endorsement on the summons that the officer serving the
6 summons take the minor into custody at once.

1 Sec. 26. Service of the summons shall be made personally by
2 the delivery of an attested copy thereof to the person ordered to
3 appear. If the judge is satisfied that personal service of the
4 notice provided for in section twenty-four (24) of this Act is
5 impracticable, the judge may order service by certified mail
6 addressed to the last known address or by publication or both.
7 Service of notice or summons shall be effected not less than five
8 (5) days before the time fixed for the hearing.

1 Sec. 27. Service of summons, process, or notice required by
2 this Act may be made by any suitable person under the direction
3 of the court and upon request of the court shall be made by any
4 peace officer.

1 Sec. 28. If any person personally served with a summons or
2 subpoena fails without reasonable cause to appear or bring the
3 minor, such person may be proceeded against for contempt of court
4 or the court may issue a warrant for his arrest or both. In any
5 case when it appears to the court that the service will be inef-
6 fectual or that the welfare of the minor will require that he be
7 brought forthwith into the custody of the court, the court may
8 issue a warrant for the minor.

1 Sec. 29. The hearing on the merit of the petition shall not
2 take place without the presence of one or both of the parents,

3 or the guardian, or if none is present a guardian ad litem
4 appointed by the court to protect the interests of the minor.
5 The court may also appoint a guardian ad litem whenever neces-
6 sary for the welfare of the child whether or not a parent or
7 guardian is present.

1 Sec. 30. When it appears during the course of any trial,
2 hearing, or proceeding, that some action or remedy other than or
3 in addition to those indicated by the application or pleadings
4 appears appropriate, the court may provided all necessary parties
5 consent proceed to hear and determine the additional or other
6 issues as though originally properly sought and pleaded.

1 Sec. 31. The court may order that a minor concerning whom a
2 petition has been filed shall be examined by a physician, sur-
3 geon, psychiatrist, or psychologist, and may order treatment by
4 them of a minor who has been adjudicated by the court. For such
5 examination or treatment, the court may place the minor in a
6 hospital or other suitable facility.

1 Sec. 32. No decree other than discharge shall be entered un-
2 til a written report of a social investigation by an officer of
3 the court has been presented to and considered by the judge.
4 Where the allegations of the petition are denied by the minor or
5 his parent, guardian, or custodian by writtetn denial filed not
6 later than two (2) days excluding Sundays and holidays after
7 service of order to appear as required in section twenty-three
8 (23) of this Act or at the time the parties appear voluntarily,
9 the investigation shall not be made until after the allegations
10 have been established at a hearing. The investigation shall
11 cover the circumstances of the offense or complaint, the social

12 history and present condition of the minor and family, and plans
13 for the minor's immediate care, as related to the decree. In
14 cases of support, it shall include such matters as earnings,
15 financial obligations, and employment.

1 Sec. 33. *No minor may be taken into immediate custody except:*
2 1. With an order issued by the court in accordance with the
3 provisions of section twenty-five (25) of this Act or by a
4 warrant issued in accordance with the provisions of section
5 twenty-eight (28) of this Act.
6 2. In accordance with the laws relating to arrests.
7 3. By a peace officer:
8 a. When it is reasonably believed that a minor has run away
9 from his parents, guardian, or custodian.
10 b. When a minor is found in surroundings or conditions which
11 endanger the minor's health or welfare.
12 4. By a peace officer or probation or parole officer when it
13 is reasonably believed that the minor has violated the terms of
14 his probation, parole, or other official supervision.
15 The taking of a minor into custody under the provisions of
16 this section shall not be considered an arrest.

1 Sec. 34. When a minor is taken into custody as provided in
2 section thirty-three (33) of this Act, the parent, guardian, or
3 custodian of the minor shall be notified as soon as possible
4 by the person taking the minor into custody. Except where the
5 immediate welfare of the minor or the protection of the commu-
6 nity requires that the minor shall be detained, the minor shall
7 be released to the custody of his parents, guardian, custodian, or
8 other suitable person on the promise of such person to bring the

9 minor to the court, if necessary, at such time as the court may
10 direct.

1 Sec. 35. If a minor is not released as provided in section
2 thirty-four (34) of this Act, the person taking the child into
3 custody shall notify the court as soon as possible of the deten-
4 tion of the minor and the reasons for the detention. The minor
5 shall be immediately taken to a place of detention specified in
6 section thirty-six (36) of this Act and may be held for not
7 longer than twenty-four (24) hours after the taking into custody
8 unless an order for detention specifying the reason for the de-
9 tention is signed by the judge. No minor may be held longer
10 than forty-eight (48) hours after the taking into custody unless
11 a petition has been filed and the judge determines that the minor
12 shall remain in custody or unless the court refers the matter to
13 the prosecuting authority in accordance with the provisions of
14 section twenty-one (21) of this Act. The parent, guardian, or
15 custodian of the minor shall be notified of the place of deten-
16 tion as soon as possible.

17 If continued detention is not ordered, the court or designated
18 officer shall release the minor in the manner provided in section
19 thirty-four (34) of this Act.

1 Sec. 36. A child may be detained as provided in section
2 thirty-five (35) of this Act in one of the following places:

3 1. A juvenile home.

4 2. A licensed facility for foster care in accordance with the
5 laws relating to facilities for foster care.

6 3. A suitable place designated by the court.

7 4. A room entirely separate from adults in a jail, lockup,

8 police station, or other adult detention facility.

1 Sec. 37. No child shall at any time be confined in a police
2 station, lockup, jail, or prison except that a child may be
3 detained for the purpose of protective custody for a period not
4 to exceed twelve (12) hours or a child fourteen (14) years of
5 age or older may upon the order of the judge be temporarily con-
6 fined in a room entirely separate from adults in an adult deten-
7 tion facility. A child may be detained in an adult detention
8 facility upon order of the judge only if he is alleged to be
9 delinquent and has shown by his habits, conduct, or conditions
10 that he constitutes a menace to himself or society to the extent
11 that he cannot be released or cannot be detained in a place de-
12 scribed in section thirty-six (36) of this Act.

1 Sec. 38. The sheriff, warden, or other official in charge of
2 a jail or other facility for the detention of adult offenders or
3 persons charged with crimes shall inform the juvenile court
4 immediately when a child who is or appears to be under eighteen
5 (18) years of age is received at the facility.

1 Sec. 39. Boards of supervisors of one or more counties shall
2 upon the recommendation of the judge or judges of the juvenile
3 court or courts provide and maintain, separate, apart, and outside
4 the enclosure of any jail or police station, a juvenile home for
5 the temporary care of children pending court disposition. Any
6 child under the age of eighteen (18) who is alleged to be or
7 adjudged delinquent, dependent, or neglected may be detained in
8 such juvenile home until final disposition of his case. Such a
9 juvenile home shall be so constructed that a child requiring
10 shelter shall be separated from the children requiring detention.

1 Sec. 40. Where more than one (1) county joins in providing
2 and maintaining a juvenile home, the boards of supervisors of
3 such counties shall upon the recommendation of the judge or
4 judges of the juvenile court form a joint board and organize a
5 district for the establishment and support of the juvenile home.
6 A county not choosing to maintain a juvenile home may contract
7 with another county for needed juvenile home services. In any
8 county which is not served by a juvenile home, the board of
9 supervisors shall provide foster care services for children wait-
10 ing court disposition and shall provide funds for such services.
1 Sec. 41. Policies of the juvenile home shall be determined
2 jointly by the judge or judges of the juvenile court or courts
3 and the board or boards of supervisors of participating counties.
4 The judge or judges and the board or boards of supervisors shall
5 appoint an executive board which will be responsible for the
6 operation of the juvenile home. The size of the executive board
7 shall be determined by the judge or judges and the board or
8 boards of supervisors. The executive board shall be composed of
9 residents of the counties served by the home. The executive
10 board shall employ a superintendent who shall provide a program
11 for the juvenile home which shall include educational and recrea-
12 tional opportunities and medical and mental health services sub-
13 ject to the approval of the executive board. The superintendent
14 shall employ staff necessary to carry out the provisions of this
15 Act subject to the approval of the executive board.
16 Upon request of the executive board, the county board or coun-
17 ty boards of education shall provide suitable curriculum, teach-
18 ing staff, books, supplies, and other necessary materials and

19 equipment for the instruction of children of school age who are
20 detained in the juvenile home of such county or counties as pro-
21 vided for in section thirty-nine (39) of this Act. Where more
22 than one (1) county has joined to establish and maintain a juve-
23 nile home, the expenses involved in maintaining children detained
24 in a juvenile home shall be paid by the county or counties
25 participating in a manner to be determined by the county boards
26 of education of the participating counties.

1 Sec. 42. For the purpose of providing and maintaining a coun-
2 ty or multicounty juvenile home, the board of supervisors of any
3 county may issue bonds and authorize the expenditure of such
4 amounts as are consistent with the provisions of chapter three
5 hundred forty-five (345) of the Code. The board of supervisors
6 of any county is authorized to levy a tax not to exceed two (2)
7 mills for the purpose of maintaining a county or multicounty
8 juvenile home. Expenses for providing and maintaining a juvenile
9 home shall be paid by the county or counties participating in a
10 manner to be determined by the judge or judges of the juvenile
11 court or courts and the board or boards of supervisors of practic-
12 ipating counties.

1 Sec. 43. The state board of social welfare shall adopt mini-
2 mum rules, regulations, and standards for the establishment,
3 maintenance, and operation of juvenile homes as shall be neces-
4 sary to effect the purposes of this Act. Said board shall upon
5 request give guidance and consultation in the establishment and
6 administration of a juvenile home and a juvenile home program.

1 Sec. 44. The state board of social welfare shall approve
2 annually all county or multicounty juvenile homes established and
3 maintained under the provisions of this Act. No county or multi-

4 county juvenile home shall be approved unless such home complies
5 with minimum rules, regulations, and standards adopted by said
6 board.

1 Sec. 45. The state board of social welfare shall be responsi-
2 ble for and shall approve the payment of supplemental aid as
3 provided in this Act. Approved county or multicounty juvenile
4 homes shall be entitled to receive financial aid from the state
5 of Iowa in the amount and in such manner as determined by the
6 state board of social welfare. Aid paid by the state shall not
7 exceed fifty (50) percent of the total cost of the establishment,
8 improvements, operation, and maintenance of a juvenile home.

1 Sec. 46. Hearings on any matter shall be without a jury and
2 may be conducted in an informal manner. Hearings may be contin-
3 ued from time to time and in the interim the court may make such
4 orders as it deems in the best interest of the minor. The court
5 shall exclude the general public from hearings and shall admit
6 only those persons who in the discretion of the court have a
7 direct interest in the case or in the work of the court. The
8 court may require the presence of witnesses deemed necessary to
9 the disposition of the petition. Adoption hearings shall be
10 conducted in accordance with the provisions of laws relating to
11 adoption.

1 Sec. 47. The minor, parent, guardian, or custodian shall have
2 the right to counsel. If they desire but are unable to employ
3 counsel, the court shall appoint counsel to represent the minor,
4 parent, guardian, or custodian.

1 Sec. 48. In all proceedings except adoption, the county
2 attorney shall present the evidence upon request of the court.

1 Sec. 49. Except in delinquency proceedings based on the

2 alleged commission of a public offense, the court may waive the
3 presence of the minor in the court at any stage of the proceed-
4 ings when the court deems it in the best interest of the minor.
5 In the above mentioned delinquency proceeding after the minor is
6 found to be delinquent, the court may excuse the presence of the
7 minor from the hearing when the court deems it in the best inter-
8 est of the minor. In any proceeding, the court may temporarily
9 excuse the presence of the parent or guardian of a minor from the
10 hearing when the court deems it in the best interest of the mi-
11 nor. The attorney or guardian ad litem, if any, has the right to
12 continue to participate in proceedings during the absence of the
13 minor, parent, or guardian.

1 Sec. 50. The minor and his parent, guardian, or custodian are
2 entitled to be heard, to present evidence material to the case,
3 and to question witnesses appearing at the hearing .

1 Sec. 51. Stenographic notes or mechanical recordings shall be
2 required in all court hearings as in other civil cases unless the
3 parties waive the right to such records and the court so orders.

1 Sec. 52. If the court finds that the child is neglected or
2 dependent, the court shall enter an order making any one or more
3 of the following dispositions of the case:

4 1. Continue the proceedings from time to time under such
5 supervision as the court may direct.

6 2. Place a child under the protective supervision of the
7 county department of social welfare or a child placing agency in
8 his own home under conditions prescribed by the court directed
9 to the correction of the neglect or dependency of the child.

10 3. Subject to the continued jurisdiction of the court, trans-
11 fer legal custody of the child to one of the following:

12 a. A child placing agency.

13 b. The county or state department of social welfare.

14 c. A reputable individual of good moral character.

15 4. Commit the child to the state board of control for place-

16 ment at the Iowa Juvenile Home or Iowa Annie Wittenmyer Home.

17 5. Commit to or place the child in any private institution

18 or hospital for the care and training of children or any public

19 institution for the care and training of children other than an

20 institution under the jurisdiction of the state board of control.

21 6. If the child is in need of special treatment or care for

22 his physical or mental health, the court may order the child's

23 parent, guardian, or custodian to provide such treatment or care.

24 If the parent, guardian, or custodian fails to provide the treat-

25 ment or care, the court may order such treatment or care pro-

26 vided.

27 7. At any time while the child is under the court's juris-

28 diction the court may terminate the proceedings and order the

29 child released from the control of the court.

1 Sec. 53. If the court finds that the minor is delinquent, the

2 court shall enter an order making any one or more of the following

3 dispositions of the case:

4 1. Continue the proceeding from time to time under such

5 supervision as the court may direct.

6 2. Place the minor under the supervision of a probation

7 officer or other suitable person in his own home.

8 3. Subject to the continued jurisdiction of the court, trans-

9 fer legal custody of the minor to one of the following:

10 a. A child placing agency.

11 b. The probation department.

12 c. A reputable individual of good moral character.

13 4. Commit the child to the state board of control for place-
14 ment at a state training school.

15 5. Commit to or place the minor in any private institution
16 or hospital for care and training or any public institution for
17 care and training other than an institution under the juris-
18 diction of the state board of control.

19 6. If the minor is in need of special treatment or care for
20 his physical or mental health, the court may order such treatment
21 or care provided by the minor's parent, guardian, or custodian.
22 If the parent, guardian, or custodian fails to provide the treat-
23 ment or care, the court may order such treatment or care pro-
24 vided.

25 7. At any time while the minor is under the court's juris-
26 diction the court may terminate the proceedings and order the
27 minor released from the control of the court.

1 Sec. 54. Commitment to the state board of control shall vest
2 guardianship of the person of the child so committed in said
3 board and shall terminate the court's jurisdiction.

1 Sec. 55. All orders for supervision, custody, or commitment
2 shall be enforced until the minor reaches the age of twenty-one
3 (21) years unless otherwise specified by the court. Unless the
4 court's jurisdiction has been terminated, all orders shall be
5 reviewed by the court at least annually. So long as the court
6 retains jurisdiction, it may on its own motion or that of an
7 interested party and after notice to the parties and a hearing
8 make some other disposition of the case.

1 Sec. 56. Any person, agency, or institution to whom legal
2 custody is transferred shall report to the court in writing at

3 such periods as the court may direct.

1 Sec. 57. When the court transfers legal custody of a minor to
2 any agency or commits to any institution, the court shall trans-
3 mit its order, a copy of its findings, and a summary of its
4 information concerning the minor.

1 Sec. 58. Jurisdiction over a minor on probation or under
2 protective supervision may in cases of change of residency be
3 transferred to the court for the county wherein the new residence
4 is established. Thereupon that court will have the same power
5 with respect to the minor that it would have had if the petition
6 had been initiated in that court.

1 Sec. 59. The court may upon petition terminate the rela-
2 tionship between a parent and child in the following cases:

3 1. With the written consent of parents who for good cause
4 desire to terminate the parent-child relationship.

5 2. If the court finds that one or more of the following
6 conditions exist:

7 a. That the parents have abandoned the child.

8 b. That the parents have substantially and continuously or
9 repeatedly refused to give the child necessary parental care and
10 protection.

11 c. That although financially able, the parents have substan-
12 tially and continuously neglected to provide the child with
13 necessary subsistence, education, or other care necessary for his
14 physical or mental health or morals or have neglected to pay for
15 his subsistence, education, or other care when legal custody is
16 lodged with others.

17 d. That the parents are unfit by reasons of debauchery,
18 intoxication, habitual use of narcotic drugs, repeated lewd and

19 lascivious behavior, or other conduct found by the court likely
20 to be detrimental to the physical or mental health or morals of
21 the child.

22 e. That following an adjudication of neglect or dependency,
23 reasonable efforts under the direction of the court have failed
24 to correct the conditions leading to the termination.

1 Sec. 60. Venue for the proceedings for the termination of
2 parental rights is either the county where the child resides or
3 is found. However if a court has made an order under the pro-
4 visions of section fifty-two (52) of this Act and the order is in
5 force at the time the petition for termination of the parent
6 relationship is filed, the court making the order shall hear the
7 termination proceeding unless it transfers the proceeding in the
8 manner provided in section eighteen (18) of this Act.

1 Sec. 61. Any reputable person having knowledge of circum-
2 stances which indicate that a parent-child relationship should be
3 terminated may petition the court in the manner provided in sec-
4 tion twenty-two (22) of this Act.

1 Sec. 62. The termination of parent-child relationship shall
2 be made only after hearing before the court in the manner pro-
3 vided in section forty-six (46) of this Act.

1 Sec. 63. The court shall have notice of the time, place, and
2 purpose of the hearing served on the parents of the child, the
3 petitioner, the guardian of the person of the child, the person
4 having legal custody of the child, any individual standing in
5 loco parentis of the child, and the guardian ad litem of any
6 party. Notice shall be given in the manner provided for in sec-
7 tions twenty-three (23) through twenty-seven (27) of this Act,
8 except that, notice by personal service shall be made at least

9 ten (10) days before the day of the hearing; published notice
10 shall be made for three (3) consecutive weeks, the last publica-
11 tion to be at least ten (10) days before the day of the hearing;
12 and notice sent by certified mail shall be mailed at least twenty
13 (20) days before the day of the hearing. A parent who consents
14 to the termination may waive in writing the notice required by
15 this section; however if the parent is a minor or incompetent,
16 the waiver shall be effective only if the guardian ad litem of
17 such parent concurs in writing.

1 Sec. 64. The court's finding with respect to grounds for
2 termination shall be based upon a preponderance of evidence under
3 the rules applicable to the trial of civil causes, provided that
4 relevant and material information of any nature including that
5 contained in reports, studies, or examinations may be admitted
6 and relied upon to the extent of its probative value. When in-
7 formation contained in a report, study, or examination is admit-
8 ted in evidence, the person making such a report, study, or
9 examination shall be subject to both direct and cross-examination
10 when he is reasonably available.

1 Sec. 65. If after a hearing the court does not terminate
2 parent-child relationship but determines that conditions of neg-
3 lect or dependency exist, the court may find the child neglected
4 or dependent and may enter an order in accordance with the pro-
5 visions of section fifty-two (52) of this Act.

1 Sec. 66. If after a hearing the court terminates the parent-
2 child relationship between the child and both parents or between
3 the child and the mother if the child is born out of wedlock or
4 between the child and the only living parents, the court shall
5 order guardianship of the person and legal custody of the child

6 transferred to:

7 1. The county or state department of social welfare.

8 2. A licensed child placing agency.

9 3. A reputable individual of good moral character.

10 4. The state board of control for placement at the Iowa Annie

11 Wittenmyer Home or the Iowa Juvenile Home.

12 The court shall make an order fixing responsibility for the

13 child's support.

1 Sec. 67. A certified copy of the findings in the order ter-

2 minating the parent-child relationship and a summary of the

3 court's information concerning the child shall be furnished by

4 the court to the department, agency, or institution to which

5 guardianship is transferred. The orders shall be on a document

6 separate from the findings. The court shall furnish the individ-

7 ual to whom guardianship is transferred a copy of the order ter-

8 minating the parent-child relationship.

1 Sec. 68. Upon its own motion or upon petition of an interest-

2 ed party, the court having jurisdiction of the child may after

3 notice to the parties and a hearing remove the guardian appointed

4 by the court and appoint a new guardian in accordance with the

5 provisions of section sixty-six (66), subsections one (1), two

6 (2), and three (3) of this Act. Any child fourteen (14) years

7 of age or older who is not adopted but who is placed in a satis-

8 factory foster home may with the consent of the foster parents

9 join with the guardian appointed by the court in a petition to

10 the court having jurisdiction of the child to discharge the

11 existing guardian and appoint the foster parents as guardians of

12 the child. The authority of a guardian appointed by the court

13 terminates when the individual under guardianship is no longer
14 a minor or is adopted.

1 Sec. 69. Whenever legal custody of a child is transferred by
2 the court or whenever the child is placed by the court with some-
3 one other than its parents or whenever a minor is given physical
4 or mental examinations or treatment under order of the court and
5 no provision is otherwise made by law for payment for the care,
6 examination, or treatment of the minor, these costs shall be
7 charged upon the funds of the county in which the proceedings are
8 held upon certification of the judge. Except where the parent-
9 child relationship is terminated, the court may inquire into the
10 ability of the parents to support the minor and after giving the
11 parents a reasonable opportunity to be heard may order the par-
12 ents to pay in the manner and to whom the court may direct, such
13 sums as will cover in whole or in part the cost of care, examina-
14 tion, or treatment of the minor. If the parents fail to pay the
15 sum without good reason, they may be proceeded against for con-
16 tempt or the court may inform the county attorney who shall pro-
17 ceed against the parents to collect the unpaid sums or both.

1 Sec. 70. The following expenses are a charge upon the county
2 in which the proceedings are held upon certification of the judge
3 or upon such other authorization as provided by law.

4 1. The fees and mileage of witnesses and the expenses and
5 mileages of officers serving notices and subpoenas.

6 2. The expenses of transporting a minor to a place designated
7 by a child placing agency for the care of the minor if the court
8 transfers legal custody to a child placing agency.

9 3. The expense of transporting a minor to or from a place
10 designated by the court.

11 4. Reasonable compensation for an attorney appointed by the
12 court to serve as counsel or guardian ad litem.

1 Sec. 71. The county charged with the cost and expenses under
2 sections sixty-nine (69) and seventy (70) of this Act may recover
3 the costs and expenses from the county where the minor has legal
4 settlement by filing verified claims which shall be payable as
5 are other claims against the county. A detailed statement of the
6 facts upon which the claim is based shall accompany the claim.
7 Any dispute as to the legal settlement of a minor for which the
8 court has ordered payment under authority of this section shall
9 be settled in accordance with sections two hundred fifty-two
10 point twenty-two (252.22) and two hundred fifty-two point twenty-
11 three (252.23) of the Code.

1 Sec. 72. Juvenile court legal records shall include the
2 petition, notice, findings, orders, decrees, judgments, and
3 motions. The legal records shall be open at all times to the
4 inspection of any minor to whom the records relate and to his
5 parent and guardian or the attorney of any of the above mentioned
6 persons.

7 Except as provided in paragraph one (1) of this section, none
8 of the records of the court including legal records shall be open
9 to public inspection or their contents disclosed except by order
10 of the court. The records of juvenile probation officers and
11 juvenile homes are records of the court for the purposes of this
12 paragraph. The court shall maintain the confidentiality of adop-
13 tion files and records in accordance with the provisions of law
14 relating to adoptions.

15 Peace officers' records of children except for offenses

16 exempted from this Act by law shall be kept separate from the
17 records of persons eighteen (18) years of age or older and shall
18 not be open to public inspection or their contents disclosed to
19 the public except by order of the court. No photograph or
20 fingerprints of a child taken into custody for any purpose may
21 be taken without the consent of the court. Any persons violating
22 any of the provisions of this paragraph shall be guilty of a mis-
23 demeanor.

24 All information obtained and social records prepared in the
25 discharge of official duties by an employee of the court shall
26 not be disclosed directly or indirectly to any one other than the
27 judge or others entitled under the Act to receive such informa-
28 tion unless otherwise ordered by the judge.

29 The name or pictures of any child subject to the jurisdiction
30 of the court shall not be made public by any medium of public
31 information except as authorized by order of the court.

1 Sec. 73. An interested party aggrieved by any order or decree
2 of the court may appeal to the supreme court for review of ques-
3 tions of law and fact. The procedure for such appeals shall be
4 governed by the same provisions applicable to appeals from the
5 district court except that when the decree or order affects the
6 custody of a minor the appeal shall be heard at the earliest
7 practicable time. The pendency of an appeal or application
8 therefor shall not suspend the order of the juvenile court re-
9 garding a minor and shall not discharge the minor from the custo-
10 dy of the court or of the person, institution, or agency to whose
11 care he has been committed or placed unless otherwise ordered by
12 the supreme court on application of an appellant. If the supreme
13 court does not dismiss the proceedings and discharge the minor,

14 such court shall affirm or modify the order of the juvenile court
15 and remand the minor to the jurisdiction of the court for dis-
16 position not inconsistent with the supreme court's finding on the
17 appeal.

1 Sec. 74. The juvenile court and all institutions receiving
2 children shall between the first and fifteenth day of January of
3 each year make a report to the state board of social welfare.
4 The report shall state the number of children of each sex brought
5 before the court during the past year the number for whom homes
6 have been provided, the number sent to state institutions, and
7 the number in institutions.

1 Sec. 75. The court in committing children shall place such
2 children as far as practicable in the care and custody of an
3 individual or an institution controlled by persons holding the
4 same religious belief as the parents of the child.

1 Sec. 76. The governor of the state of Iowa is hereby author-
2 ized to enter into the interstate compact on juveniles as
3 approved by the council of state governments on January 21, 1955
4 with any other state or states legally joining therein.

1 Sec. 77. The juvenile courts of the state shall have juris-
2 diction to hold such hearings and to make such orders and requi-
3 sitions as are necessary and appropriate to carry out the
4 provisions of said compact.

1 Sec. 78. Section two hundred thirty-three point five (233.5),
2 Code 1962, is hereby amended by striking in line four (4) the
3 numbers "232.2" and inserting in lieu thereof the words "three
4 (3) of this Act".

1 Sec. 79. Chapter two hundred forty-two (242), Code 1962, is

2 hereby amended by adding the following new section:

3 "The board of control may transfer to the schools minor wards

4 of the state from any institution under its charge but no person

5 shall be so transferred who is mentally ill or mentally retarded

6 and any such child in the schools may be transferred to the

7 proper state institution for the mentally ill or mentally

8 retarded."

1 Sec. 80. Section two hundred forty-two point six (242.6),

2 Code 1962, is hereby amended by striking from line two (2) the

3 word "ten" and inserting in lieu thereof the word "fifteen (15)".

1 Sec. 81. If any provision of this Act or the application

2 thereof to any person shall be invalid such invalidity shall

3 not affect the provisions or application of this Act which can

4 be given effect without the invalid provisions or application and

5 to this end the provisions of the Act are declared severable.