

Reprinted

FILED FEB 14 1995

SENATE FILE 150
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 99)

Passed Senate, Date 2/23/95 ^(p. 447) Passed House, Date 4/20/95 ^(p. 1801)
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0
Approved May 19, 1995

A BILL FOR

1 An Act relating to child abuse involving termination of parental
2 rights in certain abuse or neglect cases and access by other
3 states to child abuse information.

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

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S.F. 150

1 Section 1. Section 232.116, subsection 1, paragraph h,
2 Code 1995, is amended to read as follows:

3 h. The court finds that both all of the following have
4 occurred:

5 (1) The child meets the definition of child in need of
6 assistance based on a finding of physical or sexual abuse or
7 neglect as a result of the acts or omissions of one or both
8 parents.

9 (2) There is clear and convincing evidence that the abuse
10 or neglect posed a significant risk to the life of the child.

11 ~~(2) (3)~~ (3) There is clear and convincing evidence that the
12 ~~circumstances-surrounding-the-abuse-or-neglect-of-the-child,~~
13 ~~despite-the~~ offer or receipt of services, ~~constitutes-imminent~~
14 ~~danger-to-the-child~~ would not correct the conditions which led
15 to the abuse or neglect of the child within a reasonable
16 period of time.

17 Sec. 2. Section 235A.15, subsection 2, paragraph e,
18 subparagraph (4), Code 1995, is amended to read as follows:

19 (4) To a legally constituted child protection agency of
20 another state which is investigating or treating a child named
21 in a report as having been abused or to which is investigating
22 or treating a person named as having abused a child.

23 (4A) To a public or licensed child placing agency of
24 another state responsible for an adoptive or foster care
25 preplacement or placement evaluation.

26 Sec. 3. Section 235A.15, subsection 2, paragraph e,
27 subparagraph (9), Code 1995, is amended to read as follows:

28 (9) To a legally constituted child protection agency in
29 another state if the agency is conducting a records check of a
30 person who is providing care or has applied to provide care to
31 a child in the other state.

32 EXPLANATION

33 This bill relates to abuse provisions, including an
34 amendment to one of the standards for termination of parental
35 rights involving abuse or neglect of a child by the child's

1 parent and an amendment to provisions involving access to
2 child abuse information by other states.

3 The bill amends a standard for termination of parental
4 rights in section 232.116. Under this current standard, the
5 court must find that the child is a child in need of
6 assistance due to physical or sexual abuse or neglect as a
7 result of the acts or omissions of one or both of the child's
8 parents. Current law requires the court to also find that
9 despite the receipt of services, the circumstances surrounding
10 the abuse constitute an imminent danger to the child. The
11 bill would change the required findings to provide that either
12 the receipt or offer of services would not correct the
13 conditions which led to the abuse or neglect within a
14 reasonable period of time. In addition, under the bill, the
15 court must find that the abuse or neglect constitutes a
16 significant risk to the life of the child, rather than the
17 current requirement that the circumstances constitute an
18 imminent danger to the child.

19 Section 235A.15, relating to access to child abuse
20 information, is amended. The first amendment relates to child
21 protection agencies and child placing agencies in other
22 states. The child protection agencies which are investigating
23 or treating a person named as having abused a child are now
24 allowed access. In addition, access is provided to public or
25 licensed child placing agencies for foster care evaluations
26 and placements and adoptive or foster care preplacement
27 evaluations.

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SENATE FILE 150

S-3072

1 Amend Senate File 150 as follows:

2 1. Page 1, by inserting after line 16 the
3 following:

4 "Sec. ____ . Section 232.116, subsection 1, Code
5 1995, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. m. The court finds that all of the
8 following have occurred:

9 (1) The child has been adjudicated a child in need
10 of assistance pursuant to section 232.96.

11 (2) The parent has been convicted of child
12 endangerment resulting in the death of the child's
13 sibling, has been convicted of three or more acts of
14 child endangerment involving the child, the child's
15 sibling, or another child in the household, or has
16 been convicted of child endangerment resulting in a
17 serious injury to the child, the child's sibling, or
18 another child in the household.

19 (3) There is clear and convincing evidence that
20 the circumstances surrounding the parent's conviction
21 for child endangerment would result in a finding of
22 imminent danger to the child."

23 2. By renumbering as necessary.

By ROBERT DVORSKY

S-3072 FILED FEBRUARY 21, 1995

(R. 446) *Adopted*
2/23/95

SENATE FILE 150

S-3061

1 Amend Senate File 150 as follows:

2 1. Page 1, by inserting after line 31 the
3 following:

4 "Sec. _____. Section 600A.5, subsection 3, paragraph
5 c, Code 1995, is amended to read as follows:

6 c. A plain statement of the facts and grounds in
7 section 600A.8, ~~subsections 1 to 4~~, which indicate
8 that the parent-child relationship should be
9 terminated.

10 Sec. _____. Section 600A.8, Code 1995, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 8. Both of the following
13 circumstances apply to a parent:

14 a. The parent has been determined to be a chronic
15 substance abuser as defined in section 125.2 and the
16 parent has committed a second or subsequent domestic
17 abuse assault pursuant to section 708.2A while under
18 the influence of a chemical substance.

19 b. The parent has abducted the child, has
20 improperly removed the child from the physical custody
21 of the person entitled to custody without the consent
22 of that person, or has improperly retained the child
23 after a visit or other temporary relinquishment of
24 physical custody."

25 2. By renumbering as necessary.

By MERLIN E. BARTZ

S-3061 FILED FEBRUARY 15, 1995

(P. 447) *Adopted 2/23/95*

SENATE FILE 150

S-3069

1 Amend the amendment, S-3061, to Senate File 150, as
2 follows:

3 1. Page 1, by striking lines 17 and 18 and
4 inserting the following: "abuse assault pursuant to
5 section 708.2A."

By MERLIN E. BARTZ

S-3069 FILED FEBRUARY 20, 1995

(P. 447)

Adopted 2/23/95

H. 2/23/95 Human Resources
H. 3/7/93 Amend/Do Pass
W/H- 3229
H. 4/13/95 Unfinished Business
Calendar

SENATE FILE **150**

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 99)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 23, 1995)

- New Language by the Senate

Re-Passed Senate, Date 4/24/95 (p.1369) Passed House, Date 4/20/95 (p.1801)

Vote: Ayes 46 Nays 0 Vote: Ayes 98 Nays 0

Motion to R/c 4/24 (p.1384) Szymoniak Approved May 19, 1995 Passed 4/28/95
Motion approved 4/25/95 (p. 1402) Vote 97-0
Re-passed 4/27/95 (p. 1486) Vote 48-0 (p. 2052)

A BILL FOR

1 An Act relating to child abuse involving termination of parental
2 rights in certain abuse or neglect cases and access by other
3 states to child abuse information.

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

5 Sen. Conf. Comm.

6 Use. Conf. Comm.

7 Swasky, ch.
8 Hammond
9 Szymoniak
10 Boettger
11 Kramer

Salton, ch.
Baldecke
Veenstra
Jochum
Burnett

S.F. 150

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1 Section 1. Section 232.116, subsection 1, paragraph h,
2 Code 1995, is amended to read as follows:

3 h. The court finds that both all of the following have
4 occurred:

5 (1) The child meets the definition of child in need of
6 assistance based on a finding of physical or sexual abuse or
7 neglect as a result of the acts or omissions of one or both
8 parents.

9 (2) There is clear and convincing evidence that the abuse
10 or neglect posed a significant risk to the life of the child.

11 ~~(2)~~ (3) There is clear and convincing evidence that the
12 circumstances-surrounding-the-abuse-or-neglect-of-the-child,
13 despite-the offer or receipt of services,-constitutes-imminent
14 danger-to-the-child would not correct the conditions which led
15 to the abuse or neglect of the child within a reasonable
16 period of time.

17 Sec. 2. Section 232.116, subsection 1, Code 1995, is
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. m. The court finds that all of the
20 following have occurred:

21 (1) The child has been adjudicated a child in need of
22 assistance pursuant to section 232.96.

23 (2) The parent has been convicted of child endangerment
24 resulting in the death of the child's sibling, has been
25 convicted of three or more acts of child endangerment
26 involving the child, the child's sibling, or another child in
27 the household, or has been convicted of child endangerment
28 resulting in a serious injury to the child, the child's
29 sibling, or another child in the household.

30 (3) There is clear and convincing evidence that the
31 circumstances surrounding the parent's conviction for child
32 endangerment would result in a finding of imminent danger to
33 the child.

34 Sec. 3. Section 235A.15, subsection 2, paragraph e,
35 subparagraph (4), Code 1995, is amended to read as follows:

1 (4) To a legally constituted child protection agency of
2 another state which is investigating or treating a child named
3 in a report as having been abused or to which is investigating
4 or treating a person named as having abused a child.

5 (4A) To a public or licensed child placing agency of
6 another state responsible for an adoptive or foster care
7 preplacement or placement evaluation.

8 Sec. 4. Section 235A.15, subsection 2, paragraph e,
9 subparagraph (9), Code 1995, is amended to read as follows:

10 (9) To a legally constituted child protection agency in
11 another state if the agency is conducting a records check of a
12 person who is providing care or has applied to provide care to
13 a child in the other state.

14 Sec. 5. Section 600A.5, subsection 3, paragraph c, Code
15 1995, is amended to read as follows:

16 c. A plain statement of the facts and grounds in section
17 600A.87-subsections-1-to-47 which indicate that the parent-
18 child relationship should be terminated.

19 Sec. 6. Section 600A.8, Code 1995, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 8. Both of the following circumstances
22 apply to a parent:

23 a. The parent has been determined to be a chronic
24 substance abuser as defined in section 125.2 and the parent
25 has committed a second or subsequent domestic abuse assault
26 pursuant to section 708.2A.

27 b. The parent has abducted the child, has improperly
28 removed the child from the physical custody of the person
29 entitled to custody without the consent of that person, or has
30 improperly retained the child after a visit or other temporary
31 relinquishment of physical custody.

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SENATE FILE 150

H-3229

1 Amend Senate File 150, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by inserting after the word
4 "child" the following: "or constituted imminent
5 danger to the child".

6 2. Page 1, by inserting after line 33 the
7 following:

8 "Sec. ____ . Section 232.119, subsection 5, Code
9 1995, is amended to read as follows:

10 5. A request to defer registering the child on the
11 exchange shall be submitted in writing and shall be
12 granted if any of the following conditions exist:

13 a. The child is in an adoptive placement.

14 b. The child's foster parents or another person
15 with a significant relationship is being considered as
16 the adoptive family.

17 c. ~~The child needs~~ A diagnostic study or testing
18 is necessary to clarify the child's problem needs and
19 to provide an adequate description of the problem
20 child's needs.

21 d. ~~The~~ At the time of the request, the child is
22 currently-hospitalized-and receiving medical care,
23 mental health treatment, or other treatment and the
24 child's care or treatment provider has determined that
25 does-not-permit-adoptive-placement meeting prospective
26 adoptive parents is not in the child's best interest.

27 e. The child is fourteen years of age or older and
28 will not consent to an adoption plan and the
29 consequences of not being adopted have been explained
30 to the child.

31 ~~Upon receipt of a valid written request for~~
32 ~~deferral pursuant to paragraphs "a" through "e", the~~
33 ~~exchange shall grant the deferral, except that a~~
34 ~~deferral based on paragraph "b" or "e" shall be~~
35 ~~granted for no more than a one-time, ninety-day period~~
36 ~~unless the termination of parental rights order is~~
37 ~~appealed. --However, if the foster parents or another~~
38 ~~person with a significant relationship continues to be~~
39 ~~considered the child's prospective adoptive family,~~
40 ~~additional extensions of the deferral may be granted~~
41 ~~until ninety days after the date of the final decision~~
42 ~~regarding the appeal.~~

43 6. The following requirements apply to a request
44 to defer registering a child on the adoption exchange
45 under subsection 5:

46 a. For a deferral granted by the exchange pursuant
47 to subsection 5, paragraph "a", "b", or "e", the
48 child's guardian shall address the child's deferral
49 status in the report filed with the court and the
50 court shall review the deferral status in the six-

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Page 2

- 1 month review hearings held pursuant to section
2 232.117, subsection 6.
3 b. In addition to the requirements of paragraph
4 "a", a deferral granted by the exchange pursuant to
5 subsection 5, paragraph "b", shall be limited to not
6 more than a one-time, ninety-day period unless the
7 termination of parental rights order is appealed or
8 the child is placed in a hospital or other
9 institutional placement. However, if the foster
10 parents or another person with a significant
11 relationship continues to be considered the child's
12 prospective adoptive family, additional extensions of
13 the deferral request under subsection 5, paragraph
14 "b", may be granted until sixty days after the date of
15 the final decision regarding the appeal or until the
16 date the child is discharged from a hospital or other
17 institutional placement.
18 c. A deferral granted by the exchange pursuant to
19 subsection 5, paragraph "c", shall be limited to not
20 more than a one-time, ninety-day period.
21 d. A deferral granted by the exchange pursuant to
22 subsection 5, paragraph "d", shall be limited to not
23 more than a one-time, one hundred-twenty-day period."
24 3. Page 2, by striking lines 19 through 31.
25 4. Title page, line 2, by striking the word
26 "cases" and inserting the following: "cases, the
27 department of human services' adoption information
28 exchange,".
29 5. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
DAGGETT of Union, Chairperson

H-3229 FILED MARCH 7, 1995

Adopted 4/20/95 (p. 1790)

SENATE FILE 150

H-3502

1 Amend Senate File 150 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 232.2, subsection 4, Code
6 1995, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. g. A contract between the child's
9 parent, guardian, or custodian and the department or
10 agency involved with developing the plan. The
11 contract shall specify the actions expected of the
12 parent, guardian, or custodian in order for the
13 department or agency to recommend that the court
14 terminate a dispositional order for the child's out-
15 of-home placement and for the department or agency to
16 end its involvement with the child and the child's
17 family upon completion of the contract requirements.

18 Sec. ____ . Section 232.91, Code 1995, is amended to
19 read as follows:

20 232.91 PRESENCE OF PARENTS, AND GUARDIAN AD LITEM,
21 AND FOSTER PARENTS AT HEARINGS.

22 1. Any hearings or proceedings under this division
23 subsequent to the filing of a petition shall not take
24 place without the presence of the child's parent,
25 guardian, custodian, or guardian ad litem in
26 accordance with and subject to section 232.38. A
27 parent without custody may petition the court to be
28 made a party to proceedings under this division.

29 2. Any hearing or proceeding under this division
30 subsequent to a dispositional order under section
31 232.102 shall also include as a party with a direct
32 interest in the case, the agency, facility,
33 institution, or person, including a foster parent,
34 with whom a child has been placed for the purposes of
35 foster care.

36 Sec. ____ . Section 232.104, subsection 2, paragraph
37 b, Code 1995, is amended to read as follows:

38 b. Enter an order pursuant to section 232.102 to
39 continue placement of the child for an additional six
40 months at which time the court shall hold a hearing to
41 consider modification of its permanency order. An
42 order entered under this paragraph shall enumerate the
43 specific factors, conditions, or expected behavioral
44 changes which comprise the basis for the determination
45 that the need for removal of the child from the
46 child's home will no longer exist at the end of the
47 additional six-month period."

48 2. Page 1, by inserting after line 33 the
49 following:

50 "Sec. ____ . Section 232.189, Code 1995, is amended

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Page 2

1 to read as follows:

2 232.189 REASONABLE EFFORTS ADMINISTRATIVE
3 REQUIREMENTS.

4 Based upon a model reasonable efforts family court
5 initiative, the director of human services and the
6 chief justice of the supreme court or their designees
7 shall jointly establish and implement a statewide
8 protocol for reasonable efforts to prevent or
9 eliminate the need for placement of a child outside
10 the child's home. In addition, the director and the
11 chief justice shall design and implement a system for
12 judicial and departmental reasonable efforts education
13 for deployment throughout the state. The system for
14 reasonable efforts education shall be developed in a
15 manner which addresses the particular needs of rural
16 areas and shall include but is not limited to all of
17 the following topics:

18 1. Regular training concerning mental or emotional
19 disorders which may afflict children and the impact
20 children with such disorders have upon their families.

21 2. The duties of judicial and departmental
22 employees associated with placing a child removed from
23 the child's home into a permanent home and the urgency
24 of the placement for the child.

25 3. The essential elements, including writing
26 techniques, in developing effective permanency plans.

27 4. The essential elements of gathering evidence
28 sufficient for the evidentiary standards required for
29 judicial orders under this chapter.

30 Sec. ____ . NEW SECTION. 234.7 DEPARTMENT DUTIES.

31 The department of human services shall comply with
32 all of the following requirements associated with
33 child foster care licensees under chapter 237A:

34 1. The department shall not assign more than one
35 worker to any child who is receiving child welfare
36 services, as defined in section 235.1, in a foster
37 care placement. If the department purchases services
38 for the child from a private agency, the department's
39 responsibility for case management services in the
40 placement shall be delegated to the private agency.

41 2. The department shall include a child's foster
42 parent in and provide timely notice of planning and
43 review activities associated with the child, including
44 but not limited to permanency planning, a clinical
45 assessment and consultation team review or other
46 activity, and placement review meetings.

47 Sec. ____ . Section 234.38, Code 1995, is amended to
48 read as follows:

49 234.38 FOSTER CARE REIMBURSEMENT RATES.

50 1. The department of human services shall make

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1 reimbursement payments directly to foster parents for
2 services provided to children pursuant to section
3 234.6, subsection 6, paragraph "b", or section 234.35.
4 In any fiscal year, the reimbursement rate shall be
5 based upon ~~sixty-five~~ at least seventy percent of the
6 United States department of agriculture estimate of
7 the cost to raise a child in the calendar year
8 immediately preceding the fiscal year. The department
9 may pay an additional stipend for a child with special
10 needs."

11 3. Page 2, by inserting after line 13 the
12 following:

13 "Sec. ____ . Section 237.15, subsection 1, Code
14 1995, is amended by adding the following new
15 paragraph:

16 NEW PARAGRAPH. j. A contract between the child's
17 parent, guardian, or custodian and the agency
18 responsible for creating the plan. The contract shall
19 specify the actions expected of the parent, guardian,
20 or custodian in order for the agency to recommend that
21 the court terminate a dispositional order for the
22 child's out-of-home placement and for the agency to
23 end its involvement with the child and the child's
24 family upon completion of the contract requirements.

25 Sec. ____ . Section 273.2, subsection 1, Code 1995,
26 is amended to read as follows:

27 1. In-service training programs for employees of
28 school districts and area education agencies, provided
29 at the time programs and services are established they
30 do not duplicate programs and services available in
31 that area from the universities under the state board
32 of regents and from other universities and four-year
33 institutions of higher education in Iowa. The in-
34 service training programs shall include but are not
35 limited to regular training concerning mental or
36 emotional disorders which may afflict children and the
37 impact children with such disorders have upon their
38 families.

39 Sec. ____ . Section 598.41, subsections 1 and 2,
40 Code 1995, are amended to read as follows:

41 1. The court, insofar as is reasonable and in the
42 best interest of the child, shall order the custody
43 award, including liberal visitation rights where
44 appropriate, which will assure the child the
45 opportunity for the maximum continuing physical and
46 emotional contact with both parents after the parents
47 have separated or dissolved the marriage, unless
48 direct physical harm or significant emotional harm to
49 the child, other children, or a parent is likely to
50 result from such contact with one parent, and which

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1 will encourage parents to share the rights and
2 responsibilities of raising the child. The court
3 shall consider the denial by one parent of the child's
4 opportunity for maximum continuing contact with the
5 other parent, without just cause, a significant factor
6 in determining the proper custody arrangement. Just
7 cause may include a determination by the court
8 pursuant to subsection 3, paragraph "i", that a parent
9 has a history of perpetration of domestic abuse that
10 will jeopardize the safety of or will result in direct
11 physical harm or significant emotional harm to the
12 child, other children, or the other parent.
13 Additionally, if a parent who is a victim of domestic
14 abuse as determined by the court pursuant to
15 subsection 3, paragraph "i", relocates or is not
16 present during the determination of custody or
17 visitation based upon the fear of or actual acts or
18 threats of domestic abuse perpetrated by the other
19 parent, the court shall not consider the relocation or
20 absence of that parent as a factor against that parent
21 in the awarding of custody or visitation to the absent
22 parent. Unless otherwise ordered by the court in the
23 custody decree, both parents shall have legal access
24 to information concerning the child, including but not
25 limited to medical, educational and law enforcement
26 records.

27 2. On the application of either parent, the court
28 shall consider granting joint custody in cases where
29 the parents do not agree to joint custody. If the
30 court does not grant joint custody under this
31 subsection, the court shall cite clear and convincing
32 evidence, pursuant to the factors in subsection 3,
33 that joint custody is unreasonable and not in the best
34 interest of the child to the extent that the legal
35 custodial relationship between the child and a parent
36 should be severed. Before ruling upon the joint
37 custody petition in these cases, unless the court
38 finds a history of domestic abuse exists which is
39 likely to result in direct physical harm or
40 significant emotional harm to the child, other
41 children, or a parent, the court may require the
42 parties to participate in custody mediation counseling
43 to determine whether joint custody is in the best
44 interest of the child. The court may require the
45 child's participation in the mediation counseling
46 insofar as the court determines the child's
47 participation is advisable.

48 The costs of custody mediation counseling shall be
49 paid in full or in part by the parties and taxed as
50 court costs.

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Page 5

1 Sec. ____ . Section 598.41, subsection 3, paragraph
2 i, Code 1995, is amended to read as follows:
3 i. Whether the safety of the child, other
4 children, or the other parent will be jeopardized or
5 whether direct physical harm or significant emotional
6 harm to the child, other children, or other parent
7 will result by the awarding of joint custody or by
8 unsupervised or unrestricted visitation. In
9 considering this factor, the court shall consider the
10 history of a parent as a perpetrator of domestic
11 abuse, including the parent's history of perpetration
12 of acts intended to cause pain, injury, or to place
13 the victim in fear of physical contact which will be
14 painful, injurious, insulting, or offensive coupled
15 with the apparent ability to execute the act.
16 Evidence of the parent's history may include
17 commencement of an action pursuant to section 236.3,
18 the issuance of a protective order against the parent
19 or the issuance of a court order or consent agreement
20 pursuant to section 236.5, the issuance of an
21 emergency order pursuant to section 236.6, the holding
22 of a parent in contempt pursuant to section 236.8, the
23 response of a peace officer to the scene of alleged
24 domestic abuse or the arrest of a parent following
25 response to a report of alleged domestic abuse, or a
26 conviction for domestic abuse assault pursuant to
27 section 708.2A."

28 4. Page 2, by inserting after line 31 the
29 following:

30 "Sec. ____ . Section 600B.40, Code 1995, is amended
31 by adding the following new unnumbered paragraph:
32 NEW UNNUMBERED PARAGRAPH. In determining the
33 visitation or custody arrangements of a child born out
34 of wedlock, if a judgment of paternity is entered and
35 the mother of the child has not been awarded sole
36 custody, section 598.41 shall apply to the
37 determination, as applicable, and the court shall
38 consider the factors specified in section 598.41,
39 subsection 3, including but not limited to the factor
40 related to a parent's history of domestic abuse.

41 Sec. ____ . Section 602.1203, Code 1995, is amended
42 to read as follows:

43 602.1203 PERSONNEL CONFERENCES.

44 The chief justice may order conferences of judicial
45 officers or court employees on matters relating to the
46 administration of justice or the affairs of the
47 department. For judges and other court employees who
48 handle cases involving children and family law, the
49 chief justice shall require regular training
50 concerning mental or emotional disorders which may

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1 afflict children and the impact children with such
2 disorders have upon their families."

3 5. Title page, line 1, by inserting after the
4 word "to" the following: "children, including".

5 6. Title page, line 3, by inserting after the
6 word "information" the following: ", case permanency
7 plans for children in out-of-home placements, state
8 foster care requests, and custody and visitation
9 determinations".

By JOCHUM of Dubuque
BURNETT of Story

H-3502 FILED MARCH 27, 1995

SENATE FILE 150

H-3808

1 Amend Senate File 150, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 232.2, subsection 6, paragraph
6 o, Code 1995, is amended to read as follows:

7 o. In whose body there is an illegal drug present,
8 determined in accordance with a medically relevant
9 test as defined in section 232.73, as a direct and
10 foreseeable consequence of the acts or willful
11 omissions of the child's parent, guardian, or
12 custodian.

13 Sec. ____ . Section 232.68, subsection 2, paragraph
14 f, Code 1995, is amended to read as follows:

15 f. An illegal drug is present in a child's body as
16 a direct and foreseeable consequence of the acts or
17 willful omissions of the person responsible for the
18 care of the child.

19 Sec. ____ . Section 232.73, unnumbered paragraph 2,
20 Code 1995, is amended to read as follows:

21 As used in this section and section 232.77,
22 "medically relevant test" means a test that produces
23 reliable results of exposure to cocaine, heroin,
24 amphetamine, methamphetamine, or other illegal drugs,
25 or combinations or derivatives thereof, including a
26 drug urine screen test. A reliable test result for
27 exposure to a mixture or substance containing cocaine
28 base requires a reading of more than three hundred
29 nanograms. The department shall consult with the
30 state board of health and the board of pharmacy
31 examiners in developing a list of laboratories
32 approved for the purposes of this chapter to process
33 medically relevant tests for particular types of
34 drugs, drug combinations, and derivatives.

35 Sec. ____ . Section 232.77, subsection 2, Code 1995,
36 is amended to read as follows:

37 2. If a health practitioner discovers in a child
38 physical or behavioral symptoms of the effects of
39 exposure to cocaine, heroin, amphetamine,
40 methamphetamine, or other illegal drugs, or
41 combinations or derivatives thereof, which were not
42 prescribed by a health practitioner, or if the health
43 practitioner has determined through examination of the
44 natural mother of the child that the child was exposed
45 in utero, the health practitioner may perform or cause
46 to be performed a medically relevant test, as defined
47 in section 232.73, on the child. The practitioner
48 shall report any positive results of such a test on
49 the child to the department. The department shall
50 begin an investigation pursuant to section 232.71 upon

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1 receipt of such a report. A positive test result
2 shall not be used for the criminal prosecution of a
3 parent for acts and omissions resulting in
4 intrauterine exposure of the child to an illegal drug
5 and shall not represent grounds for a determination of
6 child abuse.

7 Sec. ____. NEW SECTION. 232.106 TERMS AND
8 CONDITIONS ON CHILD'S PARENT.

9 If the court enters an order under this chapter
10 which imposes terms and conditions on the child's
11 parent, guardian, or custodian, the purpose of the
12 terms and conditions shall be to assure the protection
13 of the child. The order is subject to the following
14 provisions:

15 1. The order shall state the reasons for and
16 purpose of the terms and conditions.

17 2. If a parent, guardian, or custodian is required
18 to have a chemical test of blood or urine for the
19 purpose of determining the presence of an illegal
20 drug, the test shall be a medically relevant test as
21 defined in section 232.73. The parent, guardian, or
22 custodian may select the laboratory which processes
23 the test from among the laboratories approved pursuant
24 to section 232.73. A positive test result shall not
25 be used for the criminal prosecution of a parent,
26 guardian, or custodian for the presence of an illegal
27 drug."

28 2. Page 2, by inserting after line 13 the
29 following:

30 "Sec. ____ . Section 235C.3, subsection 3, Code
31 1995, is amended to read as follows:

32 3. IDENTIFICATION. The council shall develop
33 recommendations regarding state programs or policies
34 to increase the accuracy of the identification of
35 chemically exposed infants and children."

36 3. By renumbering as necessary.

By FALLON of Polk

H-3808 FILED APRIL 10, 1995

SENATE FILE 150

H-3953

1 Amend Senate File 150 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 232.2, subsection 4, Code
6 1995, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. g. A contract between the child's
9 parent, guardian, or custodian and the department or
10 agency involved with developing the plan. The
11 contract shall specify the actions expected of the
12 parent, guardian, or custodian in order for the
13 department or agency to recommend that the court
14 terminate a dispositional order for the child's out-
15 of-home placement and for the department or agency to
16 end its involvement with the child and the child's
17 family upon completion of the contract requirements.

18 Sec. ____ . Section 232.88, Code 1995, is amended to
19 read as follows:

20 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

21 After a petition has been filed the court shall
22 issue and serve summons, notice, subpoenas, and other
23 process in the same manner as for adjudicatory
24 hearings in cases of juvenile delinquency as provided
25 in section 232.37. In addition to the parties
26 required to be provided notice under section 232.37,
27 notice for any hearing under this division shall be
28 provided to the agency, facility, institution, or
29 person, including a foster parent, with whom a child
30 has been placed for the purposes of foster care.

31 Sec. ____ . Section 232.91, Code 1995, is amended to
32 read as follows:

33 232.91 PRESENCE OF PARENTS, AND GUARDIAN AD LITEM,
34 AND FOSTER PARENTS AT HEARINGS.

35 1. Any hearings or proceedings under this division
36 subsequent to the filing of a petition shall not take
37 place without the presence of the child's parent,
38 guardian, custodian, or guardian ad litem in
39 accordance with and subject to section 232.38. A
40 parent without custody may petition the court to be
41 made a party to proceedings under this division.

42 2. The agency, facility, institution, or person,
43 including a foster parent, with whom a child has been
44 placed for the purposes of foster care may elect to be
45 included as a party with a direct interest in the case
46 in any hearing or proceeding under this division which
47 is held subsequent to the entry of a dispositional
48 order under section 232.102.

49 Sec. ____ . Section 232.104, subsection 2, paragraph
50 b, Code 1995, is amended to read as follows:

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1 b. Enter an order pursuant to section 232.102 to
2 continue placement of the child for an additional six
3 months at which time the court shall hold a hearing to
4 consider modification of its permanency order. An
5 order entered under this paragraph shall enumerate the
6 specific factors, conditions, or expected behavioral
7 changes which comprise the basis for the determination
8 that the need for removal of the child from the
9 child's home will no longer exist at the end of the
10 additional six-month period."

11 2. Page 1, by inserting after line 33 the
12 following:

13 "Sec. ____ . Section 232.189, Code 1995, is amended
14 to read as follows:

15 232.189 REASONABLE EFFORTS ADMINISTRATIVE
16 REQUIREMENTS.

17 Based upon a model reasonable efforts family court
18 initiative, the director of human services and the
19 chief justice of the supreme court or their designees
20 shall jointly establish and implement a statewide
21 protocol for reasonable efforts to prevent or
22 eliminate the need for placement of a child outside
23 the child's home. In addition, the director and the
24 chief justice shall design and implement a system for
25 judicial and departmental reasonable efforts education
26 for deployment throughout the state. The system for
27 reasonable efforts education shall be developed in a
28 manner which addresses the particular needs of rural
29 areas and shall include but is not limited to all of
30 the following topics:

31 1. Regular training concerning mental or emotional
32 disorders which may afflict children and the impact
33 children with such disorders have upon their families.

34 2. The duties of judicial and departmental
35 employees associated with placing a child removed from
36 the child's home into a permanent home and the urgency
37 of the placement for the child.

38 3. The essential elements, including writing
39 techniques, in developing effective permanency plans.

40 4. The essential elements of gathering evidence
41 sufficient for the evidentiary standards required for
42 judicial orders under this chapter.

43 Sec. ____ . NEW SECTION. 234.7 DEPARTMENT DUTIES.

44 The department of human services shall comply with
45 all of the following requirements associated with
46 child foster care licensees under chapter 237:

47 1. The department shall not assign more than one
48 worker to any child who is receiving child welfare
49 services, as defined in section 235.1, in a foster
50 care placement. If the department purchases services

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1 for the child from a private agency, the department's
2 responsibility for case management services in the
3 placement shall be delegated to the private agency.

4 2. The department shall include a child's foster
5 parent in and provide timely notice of planning and
6 review activities associated with the child, including
7 but not limited to permanency planning, a clinical
8 assessment and consultation team review or other
9 activity, and placement review meetings."

10 3. Page 2, by inserting after line 13 the
11 following:

12 "Sec. _____. Section 237.15, subsection 1, Code
13 1995, is amended by adding the following new
14 paragraph:

15 NEW PARAGRAPH. j. A contract between the child's
16 parent, guardian, or custodian and the agency
17 responsible for creating the plan. The contract shall
18 specify the actions expected of the parent, guardian,
19 or custodian in order for the agency to recommend that
20 the court terminate a dispositional order for the
21 child's out-of-home placement and for the agency to
22 end its involvement with the child and the child's
23 family upon completion of the contract requirements.

24 Sec. _____. Section 273.2, subsection 1, Code 1995,
25 is amended to read as follows:

26 1. In-service training programs for employees of
27 school districts and area education agencies, provided
28 at the time programs and services are established they
29 do not duplicate programs and services available in
30 that area from the universities under the state board
31 of regents and from other universities and four-year
32 institutions of higher education in Iowa. The in-
33 service training programs shall include but are not
34 limited to regular training concerning mental or
35 emotional disorders which may afflict children and the
36 impact children with such disorders have upon their
37 families."

38 4. Page 2, by inserting before line 14 the
39 following:

40 "Sec. _____. Section 598.41, subsections 1 and 2,
41 Code 1995, are amended to read as follows:

42 1. a. The court, insofar as is reasonable and in
43 the best interest of the child, shall order the
44 custody award, including liberal visitation rights
45 where appropriate, which will assure the child the
46 opportunity for the maximum continuing physical and
47 emotional contact with both parents after the parents
48 have separated or dissolved the marriage, and which
49 will encourage parents to share the rights and
50 responsibilities of raising the child unless direct

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1 physical harm or significant emotional harm to the
2 child, other children, or a parent is likely to result
3 from such contact with one parent, ~~and which will~~
4 ~~encourage parents to share the rights and~~
5 ~~responsibilities of raising the child.~~

6 b. Notwithstanding paragraph "a", if the court
7 finds credible evidence of a history of domestic
8 abuse, a rebuttable presumption against the awarding
9 of joint custody exists.

10 c. The court shall consider the denial by one
11 parent of the child's opportunity for maximum
12 continuing contact with the other parent, without just
13 cause, a significant factor in determining the proper
14 custody arrangement. Just cause may include a
15 determination by the court pursuant to subsection 3,
16 paragraph "j", that credible evidence of domestic
17 abuse exists between the parents.

18 d. If credible evidence of domestic abuse exists
19 as determined by a court pursuant to subsection 3,
20 paragraph "j", and if a parent who is a victim of such
21 domestic abuse relocates or is not present during the
22 determination of custody or visitation based upon the
23 fear of or actual acts or threats of domestic abuse
24 perpetrated by the other parent, the court shall not
25 consider the relocation or absence of that parent as a
26 factor against that parent in the awarding of custody
27 or visitation to the absent parent.

28 e. Unless otherwise ordered by the court in the
29 custody decree, both parents shall have legal access
30 to information concerning the child, including but not
31 limited to medical, educational and law enforcement
32 records.

33 2. a. On the application of either parent, the
34 court shall consider granting joint custody in cases
35 where the parents do not agree to joint custody.

36 b. If the court does not grant joint custody under
37 this subsection, the court shall cite clear and
38 convincing evidence, pursuant to the factors in
39 subsection 3, that joint custody is unreasonable and
40 not in the best interest of the child to the extent
41 that the legal custodial relationship between the
42 child and a parent should be severed.

43 c. A finding by the court of credible evidence of
44 domestic abuse, as specified in subsection 3,
45 paragraph "j", which is not rebutted, shall outweigh
46 consideration of any other factor specified in
47 subsection 3 in determination of the awarding of
48 custody under this subsection.

49 d. Before ruling upon the joint custody petition
50 in these cases, unless the court determines that

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1 credible evidence exists of domestic abuse as
 2 specified in subsection 3, paragraph "j", or unless
 3 the court determines that direct physical harm or
 4 significant emotional harm to the child, other
 5 children, or a parent is likely to result, the court
 6 may require the parties to participate in custody
 7 mediation counseling to determine whether joint
 8 custody is in the best interest of the child. The
 9 court may require the child's participation in the
 10 mediation counseling insofar as the court determines
 11 the child's participation is advisable.

12 e. The costs of custody mediation counseling shall
 13 be paid in full or in part by the parties and taxed as
 14 court costs.

15 Sec. ____ . Section 598.41, subsection 3, Code 1995,
 16 is amended by adding the following new paragraph:

17 NEW PARAGRAPH. j. Whether credible evidence of
 18 domestic abuse exists. In determining whether
 19 credible evidence exists under this paragraph, the
 20 court shall consider the history of a parent as a
 21 perpetrator of domestic abuse, including the parent's
 22 history of perpetration of acts intended to cause
 23 pain, injury, or to place the victim in fear of
 24 physical contact which will be painful, injurious,
 25 insulting, or offensive coupled with the apparent
 26 ability to execute the act. Evidence of the parent's
 27 history may include, but is not limited to,
 28 commencement of an action pursuant to section 236.3,
 29 the issuance of a protective order against the parent
 30 or the issuance of a court order or consent agreement
 31 pursuant to section 236.5, the issuance of an
 32 emergency order pursuant to section 236.6, the holding
 33 of a parent in contempt pursuant to section 236.8, the
 34 response of a peace officer to the scene of alleged
 35 domestic abuse or the arrest of a parent following
 36 response to a report of alleged domestic abuse, or a
 37 conviction for domestic abuse assault pursuant to
 38 section 708.2A."

39 5. Page 2, by inserting after line 31 the
 40 following:

41 "Sec. ____ . Section 600B.40, Code 1995, is amended
 42 by adding the following new unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. In determining the
 44 visitation or custody arrangements of a child born out
 45 of wedlock, if a judgment of paternity is entered and
 46 the mother of the child has not been awarded sole
 47 custody, section 598.41 shall apply to the
 48 determination, as applicable, and the court shall
 49 consider the factors specified in section 598.41,
 50 subsection 3, including but not limited to the factor

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1 related to a parent's history of domestic abuse.

2 Sec. ____ Section 602.1203, Code 1995, is amended

3 to read as follows:

4 602.1203 PERSONNEL CONFERENCES.

5 The chief justice may order conferences of judicial
6 officers or court employees on matters relating to the
7 administration of justice or the affairs of the
8 department. For judges and other court employees who
9 handle cases involving children and family law, the
10 chief justice shall require regular training
11 concerning mental or emotional disorders which may
12 afflict children and the impact children with such
13 disorders have upon their families."

14 6. Title page, line 1, by inserting after the
15 word "to" the following: "children, including".

16 7. Title page, line 3, by inserting after the
17 word "information" the following: ", case permanency
18 plans for children in out-of-home placements, state
19 foster care requests, and custody and visitation
20 determinations".

By JOCHUM of Dubuque
BURNETT of Story

H-3953 FILED APRIL 17, 1995

Adopted as amended 4/20/95 (p. 1798)

SENATE FILE 150

H-3974

1 Amend Senate File 150, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 232.2, subsection 6, paragraph
6 o, Code 1995, is amended by striking the paragraph and
7 inserting in lieu thereof the following:

8 o. Who is described by any other paragraph of this
9 subsection and in whose body there is an illegal drug
10 present as a direct consequence of the acts or
11 omissions of the child's parent, guardian, or
12 custodian which a reasonable and prudent person knew
13 or should have known is likely to lead to the drug's
14 presence in the child's body. The presence of the
15 drug shall be determined in accordance with a
16 medically relevant test as defined in section 232.73.

17 Sec. _____. Section 232.68, subsection 2, paragraph
18 f, Code 1995, is amended to read as follows:

19 f. An illegal drug is present in a child's body as
20 a direct and foreseeable consequence of the acts or
21 omissions of the person responsible for the care of
22 the child which a reasonable and prudent person knew
23 or should have known is likely to lead to the drug's
24 presence in the child's body.

25 Sec. _____. Section 232.73, unnumbered paragraph 2,
26 Code 1995, is amended to read as follows:

27 As used in this section and section 232.77,
28 "medically relevant test" means a test that produces
29 reliable results of exposure to cocaine, heroin,
30 amphetamine, methamphetamine, or other illegal drugs,
31 or combinations or derivatives thereof, including a
32 drug urine screen test. The department shall annually
33 consult with the state board of health and the board
34 of pharmacy examiners in developing standards for
35 reliable results of exposure to particular types of
36 drugs, drug combinations, and derivatives as necessary
37 to minimize the incidence of false positive test
38 results. The department shall consult with the boards
39 in developing a list of laboratories approved for the
40 purposes of this chapter to process medically relevant
41 tests.

42 Sec. _____. NEW SECTION. 232.106 TERMS AND
43 CONDITIONS ON CHILD'S PARENT.

44 If the court enters an order under this chapter
45 which imposes terms and conditions on the child's
46 parent, guardian, or custodian, the purpose of the
47 terms and conditions shall be to assure the protection
48 of the child. The order is subject to the following
49 provisions:

50 1. The order shall state the reasons for and

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1 purpose of the terms and conditions.
2 2. If a parent, guardian, or custodian is required
3 to have a chemical test of blood or urine for the
4 purpose of determining the presence of an illegal
5 drug, the test shall be a medically relevant test as
6 defined in section 232.73. The parent, guardian, or
7 custodian may select the laboratory which processes
8 the test from among the laboratories approved pursuant
9 to section 232.73. A positive test result shall not
10 be used for the criminal prosecution of a parent,
11 guardian, or custodian for the presence of an illegal
12 drug."

13 2. Page 2, by inserting after line 13 the
14 following:

15 "Sec. ____ . Section 235C.3, subsection 3, Code
16 1995, is amended to read as follows:

17 3. IDENTIFICATION. The council shall develop
18 recommendations regarding state programs or policies
19 to increase the accuracy of the identification of
20 chemically exposed infants and children."

21 3. By renumbering as necessary.

By FALLON of Polk

H-3974 FILED APRIL 18, 1995

Adopted as amended 4/20/95 (p. 1800)

SENATE FILE 150

H-3983

- 1 Amend the amendment, H-3953, to Senate File 150, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 1, line 8, by striking the word
5 "contract" and inserting the following: "case
6 permanency plan agreement".
 - 7 2. Page 1, line 11, by striking the word
8 "contract" and inserting the following: "agreement".
 - 9 3. Page 1, line 17, by striking the word
10 "contract" and inserting the following: "agreement".
 - 11 4. Page 2, line 45, by striking the words "all of
12 the following requirements" and inserting the
13 following: "the following requirement".
 - 14 5. By striking page 2, line 47, through page 3,
15 line 3.
 - 16 6. Page 3, line 4, by striking the word and
17 figure "2. The" and inserting the following: "The".
 - 18 7. Page 3, line 15, by striking the word
19 "contract" and inserting the following: "case
20 permanency plan agreement".
 - 21 8. Page 3, line 17, by striking the word
22 "contract" and inserting the following: "agreement".
 - 23 9. Page 3, line 23, by striking the word
24 "contract" and inserting the following: "agreement".
- By JOCHUM of Dubuque

H-3983 FILED APRIL 19, 1995

Adopted 4/20/95 (p. 1796)

SENATE FILE 150

H-4001

1 Amend the amendment, H-3953, to Senate File 150, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by inserting after line 38 the
5 following:
6 "Sec. ____ . Section 598.41, Code 1995, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 7. If an application for
9 modification of a decree or a petition for
10 modification of an order is filed, based upon
11 differences between the parents regarding the custody
12 arrangement established under the decree or order, the
13 court may require the parents to participate in
14 mediation to attempt to resolve the differences
15 between the parents."
16 2. By renumbering as necessary.

By McCOY of Polk

H-4001 FILED APRIL 20, 1995

Adopted (p. 1798)

SENATE FILE 150

H-3992

1 Amend the amendment, H-3953, to Senate File 150, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 42 through 48 and
5 inserting the following:
6 "2. An agency, facility, institution, or person,
7 including a foster parent, may petition the court to
8 be made a party to proceedings under this division."

By VANDE HOEF of Osceola

H-3992 FILED APRIL 20, 1995

Adopted (p. 1796)

SENATE FILE 150

H-4004

1 Amend the amendment, H-3953 to Senate File 150 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 37 the
5 following:

6 "____. Page 2, by inserting before line 14 the
7 following:

8 "Sec. ____ Section 598.23, subsection 2, Code
9 1995, is amended by adding the following new
10 paragraph:

11 NEW PARAGRAPH. c. Enjoins the contemnor from
12 engaging in the exercise of any activity governed by a
13 license if the contemnor willfully disobeys the
14 custody or visitation provisions of the decree or
15 order. To the extent possible, the process used in
16 enjoining the contemnor from engaging in the exercise
17 of any activity governed by a license shall be similar
18 to the process used by the child support recovery unit
19 pursuant to chapter 252J, if enacted by 1995 Iowa
20 Acts, Senate File 431.

21 As used in this paragraph:

22 (1) "License" means a license, certification,
23 registration, permit, approval, renewal, or other
24 similar authorization issued to a contemnor by a
25 licensing authority which evidences the admission to,
26 or granting of authority to engage in, a profession,
27 occupation, business, or industry, or to operate or
28 register a motor vehicle. "License" does not mean or
29 include licenses for hunting, fishing, boating, or
30 other recreational activity.

31 (2) "Licensing authority" means a county
32 treasurer, the supreme court, or an instrumentality,
33 agency, board, commission, department, officer,
34 organization, or any other entity of the state, which
35 has authority within this state to suspend or revoke a
36 license or to deny the renewal or issuance of a
37 license authorizing a contemnor to register or operate
38 a motor vehicle or to engage in a business,
39 occupation, profession, or industry."

40 2. By renumbering as necessary.

By McCOY of Polk

H-4004 FILED APRIL 20, 1995

Not germane (p. 1797)

Motion to suspend rules, last (p. 1797)

SENATE FILE 150

H-4014

1 Amend the amendment, H-3974, to Senate File 150, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 32 through 41 and
5 inserting the following: "drug urine screen test.
6 The Iowa department of public health, in consultation
7 with the department of human services and the council
8 on chemically exposed infants and children created in
9 chapter 235C, shall adopt rules specifying minimum
10 standards for reliable results of medically relevant
11 tests. The rules shall include but are not limited to
12 standards which minimize the incidence of false
13 positive test results. The Iowa department of public
14 health shall maintain a list of laboratories which are
15 approved to perform medically relevant tests in
16 accordance with the standards adopted in
17 administrative rules."

18 2. Page 1, by striking line 42 and inserting the
19 following:

20 "Sec. 100. NEW SECTION. 232.106 TERMS AND."

21 3. Page 2, by inserting after line 20 the
22 following:

23 "____. Page 2, by inserting after line 31 the
24 following:

25 "Sec. ____ . APPLICABILITY AND EFFECTIVE DATE.
26 Section 100 of this Act, enacting section 232.106,
27 being deemed of immediate importance, takes effect
28 upon enactment and applies to medically relevant tests
29 performed on or after the effective date of this Act
30 pursuant to court orders imposing terms and conditions
31 which are in effect on or after the effective date of
32 this Act."

33 4. Page 2, by inserting after line 20 the
34 following:

35 "____. Title page, line 3, by inserting after the
36 word "information" the following: "and providing an
37 applicability and effective date"."

38 5. By renumbering as necessary.

By FALLON of Polk

H-4014 FILED APRIL 20, 1995

Adopted (p. 1800)

HOUSE AMENDMENT TO
SENATE FILE 150

S-3543

1 Amend Senate File 150 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 232.2, subsection 4, Code
6 1995, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. g. A case permanency plan
9 agreement between the child's parent, guardian, or
10 custodian and the department or agency involved with
11 developing the plan. The agreement shall specify the
12 actions expected of the parent, guardian, or custodian
13 in order for the department or agency to recommend
14 that the court terminate a dispositional order for the
15 child's out-of-home placement and for the department
16 or agency to end its involvement with the child and
17 the child's family upon completion of the agreement
18 requirements.

19 Sec. _____. Section 232.88, Code 1995, is amended to
20 read as follows:

21 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

22 After a petition has been filed the court shall
23 issue and serve summons, notice, subpoenas, and other
24 process in the same manner as for adjudicatory
25 hearings in cases of juvenile delinquency as provided
26 in section 232.37. In addition to the parties
27 required to be provided notice under section 232.37,
28 notice for any hearing under this division shall be
29 provided to the agency, facility, institution, or
30 person, including a foster parent, with whom a child
31 has been placed for the purposes of foster care.

32 Sec. _____. Section 232.91, Code 1995, is amended to
33 read as follows:

34 232.91 PRESENCE OF PARENTS, AND GUARDIAN AD LITEM,
35 AND FOSTER PARENTS AT HEARINGS.

36 1. Any hearings or proceedings under this division
37 subsequent to the filing of a petition shall not take
38 place without the presence of the child's parent,
39 guardian, custodian, or guardian ad litem in
40 accordance with and subject to section 232.38. A
41 parent without custody may petition the court to be
42 made a party to proceedings under this division.

43 2. An agency, facility, institution, or person,
44 including a foster parent, may petition the court to
45 be made a party to proceedings under this division.

46 Sec. _____. Section 232.104, subsection 2, paragraph
47 b, Code 1995, is amended to read as follows:

48 b. Enter an order pursuant to section 232.102 to
49 continue placement of the child for an additional six
50 months at which time the court shall hold a hearing to

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1 consider modification of its permanency order. An
2 order entered under this paragraph shall enumerate the
3 specific factors, conditions, or expected behavioral
4 changes which comprise the basis for the determination
5 that the need for removal of the child from the
6 child's home will no longer exist at the end of the
7 additional six-month period."

8 2. Page 1, by inserting before line 1 the
9 following:

10 "Sec. ____ . Section 232.2, subsection 6, paragraph
11 o, Code 1995, is amended by striking the paragraph and
12 inserting in lieu thereof the following:

13 o. Who is described by any other paragraph of this
14 subsection and in whose body there is an illegal drug
15 present as a direct consequence of the acts or
16 omissions of the child's parent, guardian, or
17 custodian which a reasonable and prudent person knew
18 or should have known is likely to lead to the drug's
19 presence in the child's body. The presence of the
20 drug shall be determined in accordance with a
21 medically relevant test as defined in section 232.73.

22 Sec. ____ . Section 232.68, subsection 2, paragraph
23 f, Code 1995, is amended to read as follows:

24 f. An illegal drug is present in a child's body as
25 a direct and foreseeable consequence of the acts or
26 omissions of the person responsible for the care of
27 the child which a reasonable and prudent person knew
28 or should have known is likely to lead to the drug's
29 presence in the child's body.

30 Sec. ____ . Section 232.73, unnumbered paragraph 2,
31 Code 1995, is amended to read as follows:

32 As used in this section and section 232.77,
33 "medically relevant test" means a test that produces
34 reliable results of exposure to cocaine, heroin,
35 amphetamine, methamphetamine, or other illegal drugs,
36 or combinations or derivatives thereof, including a
37 drug urine screen test. The Iowa department of public
38 health, in consultation with the department of human
39 services and the council on chemically exposed infants
40 and children created in chapter 235C, shall adopt
41 rules specifying minimum standards for reliable
42 results of medically relevant tests. The rules shall
43 include but are not limited to standards which
44 minimize the incidence of false positive test results.
45 The Iowa department of public health shall maintain a
46 list of laboratories which are approved to perform
47 medically relevant tests in accordance with the
48 standards adopted in administrative rules.

49 Sec. 100. NEW SECTION. 232.106 TERMS AND
50 CONDITIONS ON CHILD'S PARENT.

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1 If the court enters an order under this chapter
2 which imposes terms and conditions on the child's
3 parent, guardian, or custodian, the purpose of the
4 terms and conditions shall be to assure the protection
5 of the child. The order is subject to the following
6 provisions:

7 1. The order shall state the reasons for and
8 purpose of the terms and conditions.

9 2. If a parent, guardian, or custodian is required
10 to have a chemical test of blood or urine for the
11 purpose of determining the presence of an illegal
12 drug, the test shall be a medically relevant test as
13 defined in section 232.73. The parent, guardian, or
14 custodian may select the laboratory which processes
15 the test from among the laboratories approved pursuant
16 to section 232.73. A positive test result shall not
17 be used for the criminal prosecution of a parent,
18 guardian, or custodian for the presence of an illegal
19 drug."

20 3. Page 1, line 10, by inserting after the word
21 "child" the following: "or constituted imminent
22 danger to the child".

23 4. Page 1, by inserting after line 33 the
24 following:

25 "Sec. ____ . Section 232.119, subsection 5, Code
26 1995, is amended to read as follows:

27 5. A request to defer registering the child on the
28 exchange shall be submitted in writing and shall be
29 granted if any of the following conditions exist:

30 a. The child is in an adoptive placement.

31 b. The child's foster parents or another person
32 with a significant relationship is being considered as
33 the adoptive family.

34 c. ~~The child needs~~ A diagnostic study or testing
35 is necessary to clarify the child's problem needs and
36 to provide an adequate description of the problem
37 child's needs.

38 d. ~~The~~ At the time of the request, the child is
39 currently-hospitalized-and receiving medical care,
40 mental health treatment, or other treatment and the
41 child's care or treatment provider has determined that
42 does-not-permit-adoptive-placement meeting prospective
43 adoptive parents is not in the child's best interest.

44 e. The child is fourteen years of age or older and
45 will not consent to an adoption plan and the
46 consequences of not being adopted have been explained
47 to the child.

48 ~~Upon receipt of a valid written request for~~
49 ~~deferral pursuant to paragraphs "a" through "e", the~~
50 ~~exchange shall grant the deferral, except that a~~

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Page 4

~~1 deferral-based-on-paragraph-"b"-or-"e"-shall-be
2 granted-for-no-more-than-a-one-time,-ninety-day-period
3 unless-the-termination-of-parental-rights-order-is
4 appealed.--However,-if-the-foster-parents-or-another
5 person-with-a-significant-relationship-continues-to-be
6 considered-the-child's-prospective-adoptive-family,
7 additional-extensions-of-the-deferral-may-be-granted
8 until-ninety-days-after-the-date-of-the-final-decision
9 regarding-the-appeal.~~

10 6. The following requirements apply to a request
11 to defer registering a child on the adoption exchange
12 under subsection 5:

13 a. For a deferral granted by the exchange pursuant
14 to subsection 5, paragraph "a", "b", or "e", the
15 child's guardian shall address the child's deferral
16 status in the report filed with the court and the
17 court shall review the deferral status in the six-
18 month review hearings held pursuant to section
19 232.117, subsection 6.

20 b. In addition to the requirements of paragraph
21 "a", a deferral granted by the exchange pursuant to
22 subsection 5, paragraph "b", shall be limited to not
23 more than a one-time, ninety-day period unless the
24 termination of parental rights order is appealed or
25 the child is placed in a hospital or other
26 institutional placement. However, if the foster
27 parents or another person with a significant
28 relationship continues to be considered the child's
29 prospective adoptive family, additional extensions of
30 the deferral request under subsection 5, paragraph
31 "b", may be granted until sixty days after the date of
32 the final decision regarding the appeal or until the
33 date the child is discharged from a hospital or other
34 institutional placement.

35 c. A deferral granted by the exchange pursuant to
36 subsection 5, paragraph "c", shall be limited to not
37 more than a one-time, ninety-day period.

38 d. A deferral granted by the exchange pursuant to
39 subsection 5, paragraph "d", shall be limited to not
40 more than a one-time, one hundred-twenty-day period."

41 5. Page 1, by inserting after line 33 the
42 following:

43 "Sec. ____ . Section 232.189, Code 1995, is amended
44 to read as follows:

45 232.189 REASONABLE EFFORTS ADMINISTRATIVE
46 REQUIREMENTS.

47 Based upon a model reasonable efforts family court
48 initiative, the director of human services and the
49 chief justice of the supreme court or their designees
50 shall jointly establish and implement a statewide

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Page 5

1 protocol for reasonable efforts to prevent or
2 eliminate the need for placement of a child outside
3 the child's home. In addition, the director and the
4 chief justice shall design and implement a system for
5 judicial and departmental reasonable efforts education
6 for deployment throughout the state. The system for
7 reasonable efforts education shall be developed in a
8 manner which addresses the particular needs of rural
9 areas and shall include but is not limited to all of
10 the following topics:

11 1. Regular training concerning mental or emotional
12 disorders which may afflict children and the impact
13 children with such disorders have upon their families.

14 2. The duties of judicial and departmental
15 employees associated with placing a child removed from
16 the child's home into a permanent home and the urgency
17 of the placement for the child.

18 3. The essential elements, including writing
19 techniques, in developing effective permanency plans.

20 4. The essential elements of gathering evidence
21 sufficient for the evidentiary standards required for
22 judicial orders under this chapter.

23 Sec. ____ . NEW SECTION. 234.7 DEPARTMENT DUTIES.

24 The department of human services shall comply with
25 the following requirement associated with child foster
26 care licensees under chapter 237:

27 The department shall include a child's foster
28 parent in and provide timely notice of planning and
29 review activities associated with the child, including
30 but not limited to permanency planning, a clinical
31 assessment and consultation team review or other
32 activity, and placement review meetings."

33 6. Page 2, by inserting after line 13 the
34 following:

35 "Sec. ____ . Section 235C.3, subsection 3, Code
36 1995, is amended to read as follows:

37 3. IDENTIFICATION. The council shall develop
38 recommendations regarding state programs or policies
39 to increase the accuracy of the identification of
40 chemically exposed infants and children."

41 7. Page 2, by inserting after line 13 the
42 following:

43 "Sec. ____ . Section 237.15, subsection 1, Code
44 1995, is amended by adding the following new
45 paragraph:

46 NEW PARAGRAPH. j. A case permanency plan
47 agreement between the child's parent, guardian, or
48 custodian and the agency responsible for creating the
49 plan. The agreement shall specify the actions
50 expected of the parent, guardian, or custodian in

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1 order for the agency to recommend that the court
2 terminate a dispositional order for the child's out-
3 of-home placement and for the agency to end its
4 involvement with the child and the child's family upon
5 completion of the agreement requirements.

6 Sec. _____. Section 273.2, subsection 1, Code 1995,
7 is amended to read as follows:

8 1. In-service training programs for employees of
9 school districts and area education agencies, provided
10 at the time programs and services are established they
11 do not duplicate programs and services available in
12 that area from the universities under the state board
13 of regents and from other universities and four-year
14 institutions of higher education in Iowa. The in-
15 service training programs shall include but are not
16 limited to regular training concerning mental or
17 emotional disorders which may afflict children and the
18 impact children with such disorders have upon their
19 families."

20 8. Page 2, by inserting before line 14 the
21 following:

22 "Sec. _____. Section 598.41, subsections 1 and 2,
23 Code 1995, are amended to read as follows:

24 1. a. The court, insofar as is reasonable and in
25 the best interest of the child, shall order the
26 custody award, including liberal visitation rights
27 where appropriate, which will assure the child the
28 opportunity for the maximum continuing physical and
29 emotional contact with both parents after the parents
30 have separated or dissolved the marriage, and which
31 will encourage parents to share the rights and
32 responsibilities of raising the child unless direct
33 physical harm or significant emotional harm to the
34 child, other children, or a parent is likely to result
35 from such contact with one parent, ~~and which will~~
36 ~~encourage parents to share the rights and~~
37 ~~responsibilities of raising the child.~~

38 b. Notwithstanding paragraph "a", if the court
39 finds credible evidence of a history of domestic
40 abuse, a rebuttable presumption against the awarding
41 of joint custody exists.

42 c. The court shall consider the denial by one
43 parent of the child's opportunity for maximum
44 continuing contact with the other parent, without just
45 cause, a significant factor in determining the proper
46 custody arrangement. Just cause may include a
47 determination by the court pursuant to subsection 3,
48 paragraph "j", that credible evidence of domestic
49 abuse exists between the parents.

50 d. If credible evidence of domestic abuse exists

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1 as determined by a court pursuant to subsection 3,
2 paragraph "j", and if a parent who is a victim of such
3 domestic abuse relocates or is not present during the
4 determination of custody or visitation based upon the
5 fear of or actual acts or threats of domestic abuse
6 perpetrated by the other parent, the court shall not
7 consider the relocation or absence of that parent as a
8 factor against that parent in the awarding of custody
9 or visitation to the absent parent.

10 e. Unless otherwise ordered by the court in the
11 custody decree, both parents shall have legal access
12 to information concerning the child, including but not
13 limited to medical, educational and law enforcement
14 records.

15 2. a. On the application of either parent, the
16 court shall consider granting joint custody in cases
17 where the parents do not agree to joint custody.

18 b. If the court does not grant joint custody under
19 this subsection, the court shall cite clear and
20 convincing evidence, pursuant to the factors in
21 subsection 3, that joint custody is unreasonable and
22 not in the best interest of the child to the extent
23 that the legal custodial relationship between the
24 child and a parent should be severed.

25 c. A finding by the court of credible evidence of
26 domestic abuse, as specified in subsection 3,
27 paragraph "j", which is not rebutted, shall outweigh
28 consideration of any other factor specified in
29 subsection 3 in determination of the awarding of
30 custody under this subsection.

31 d. Before ruling upon the joint custody petition
32 in these cases, unless the court determines that
33 credible evidence exists of domestic abuse as
34 specified in subsection 3, paragraph "j", or unless
35 the court determines that direct physical harm or
36 significant emotional harm to the child, other
37 children, or a parent is likely to result, the court
38 may require the parties to participate in custody
39 mediation counseling to determine whether joint
40 custody is in the best interest of the child. The
41 court may require the child's participation in the
42 mediation counseling insofar as the court determines
43 the child's participation is advisable.

44 e. The costs of custody mediation counseling shall
45 be paid in full or in part by the parties and taxed as
46 court costs.

47 Sec. ____. Section 598.41, subsection 3, Code 1995,
48 is amended by adding the following new paragraph:

49 NEW PARAGRAPH. j. Whether credible evidence of
50 domestic abuse exists. In determining whether

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1 credible evidence exists under this paragraph, the
2 court shall consider the history of a parent as a
3 perpetrator of domestic abuse, including the parent's
4 history of perpetration of acts intended to cause
5 pain, injury, or to place the victim in fear of
6 physical contact which will be painful, injurious,
7 insulting, or offensive coupled with the apparent
8 ability to execute the act. Evidence of the parent's
9 history may include, but is not limited to,
10 commencement of an action pursuant to section 236.3,
11 the issuance of a protective order against the parent
12 or the issuance of a court order or consent agreement
13 pursuant to section 236.5, the issuance of an
14 emergency order pursuant to section 236.6, the holding
15 of a parent in contempt pursuant to section 236.8, the
16 response of a peace officer to the scene of alleged
17 domestic abuse or the arrest of a parent following
18 response to a report of alleged domestic abuse, or a
19 conviction for domestic abuse assault pursuant to
20 section 708.2A.

21 Sec. _____. Section 598.41, Code 1995, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 7. If an application for
24 modification of a decree or a petition for
25 modification of an order is filed, based upon
26 differences between the parents regarding the custody
27 arrangement established under the decree or order, the
28 court may require the parents to participate in
29 mediation to attempt to resolve the differences
30 between the parents."

31 9. Page 2, by striking lines 19 through 31.

32 10. Page 2, by inserting after line 31 the
33 following:

34 "Sec. _____. Section 600B.40, Code 1995, is amended
35 by adding the following new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. In determining the
37 visitation or custody arrangements of a child born out
38 of wedlock, if a judgment of paternity is entered and
39 the mother of the child has not been awarded sole
40 custody, section 598.41 shall apply to the
41 determination, as applicable, and the court shall
42 consider the factors specified in section 598.41,
43 subsection 3, including but not limited to the factor
44 related to a parent's history of domestic abuse.

45 Sec. _____. Section 602.1203, Code 1995, is amended
46 to read as follows:

47 602.1203 PERSONNEL CONFERENCES.

48 The chief justice may order conferences of judicial
49 officers or court employees on matters relating to the
50 administration of justice or the affairs of the

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1 department. For judges and other court employees who
 2 handle cases involving children and family law, the
 3 chief justice shall require regular training
 4 concerning mental or emotional disorders which may
 5 afflict children and the impact children with such
 6 disorders have upon their families."

7 11. Page 2, by inserting after line 31 the
 8 following:

9 "Sec. ____ . APPLICABILITY AND EFFECTIVE DATE.

10 Section 100 of this Act, enacting section 232.106,
 11 being deemed of immediate importance, takes effect
 12 upon enactment and applies to medically relevant tests
 13 performed on or after the effective date of this Act
 14 pursuant to court orders imposing terms and conditions
 15 which are in effect on or after the effective date of
 16 this Act."

17 12. Title page, line 1, by inserting after the
 18 word "to" the following: "children, including".

19 13. Title page, line 2, by striking the word
 20 "cases" and inserting the following: "cases, the
 21 department of human services' adoption information
 22 exchange,".

23 14. Title page, line 3, by inserting after the
 24 word "information" the following: ", case permanency
 25 plans for children in out-of-home placements, state
 26 foster care requests, and custody and visitation
 27 determinations".

28 15. Title page, line 3, by inserting after the
 29 word "information" the following: "and providing an
 30 applicability and effective date".

31 16. By renumbering, relettering, or redesignating
 32 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3543 FILED APRIL 20, 1995

Senate in as amended 4/24/95 (p. 1568)
concurring
Motion to Re Szymoniak 3 (p. 1401) 4/25/95
prevailed
Senate concurred in as amended 4/25/95 (p. 1401)

SENATE FILE 150

S-3557

1 Amend the House amendment, S-3543, to Senate File
 2 150, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 8, by striking line 31.

5 2. By renumbering as necessary.

By MERLIN E. BARTZ

S-3557 FILED APRIL 24, 1995

ADOPTED (p 1368)

SENATE FILE 150

S-3571

1 Amend the amendment, S-3543, to Senate File 150, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 8 through 11 and
5 inserting the following:

6 "NEW PARAGRAPH. g. The".

7 2. Page 1, lines 17 and 18, by striking the words
8 "upon completion of the agreement requirements".

9 3. Page 5, by striking lines 30 through 32 and
10 inserting the following: "but not limited to
11 permanency planning and placement review meetings,
12 which shall include discussion of the child's
13 rehabilitative treatment needs."

14 4. Page 5, by striking lines 46 through 49 and
15 inserting the following:

16 "NEW PARAGRAPH. j. The actions".

17 5. Page 6, lines 4 and 5, by striking the words
18 "upon completion of the agreement requirements".

19 6. Page 8, line 30, by inserting after the word
20 "parents." the following: "The court may, in deciding
21 whether to order the parties to participate in
22 mediation, consider whether ordering mediation may
23 place a party at risk of domestic abuse if there is a
24 credible history of domestic abuse between the
25 parties."

By ROBERT DVORSKY

S-3571 FILED APRIL 25, 1995
ADOPTED (p. 1401)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 150
H-4072

1 Amend the amendment, S-3543, to Senate File 150, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 8 through 11 and
5 inserting the following:

6 "NEW PARAGRAPH. g. The".

7 2. Page 1, lines 17 and 18, by striking the words
8 "upon completion of the agreement requirements".

9 3. Page 5, by striking lines 30 through 32 and
10 inserting the following: "but not limited to
11 permanency planning and placement review meetings,
12 which shall include discussion of the child's
13 rehabilitative treatment needs."

14 4. Page 5, by striking lines 46 through 49 and
15 inserting the following:

16 "NEW PARAGRAPH. j. The actions".

17 5. Page 6, lines 4 and 5, by striking the words
18 "upon completion of the agreement requirements".

19 6. Page 8, line 30, by inserting after the word
20 "parents." the following: "The court may, in deciding
21 whether to order the parties to participate in
22 mediation, consider whether ordering mediation may
23 place a party at risk of domestic abuse if there is a
24 credible history of domestic abuse between the
25 parties."

26 7. Page 8, by striking line 31.

27 8. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4072 FILED APRIL 25, 1995

House refused to concur 4/26/95 (p. 1413)
Senate insists 4/27/95 (p. 1461)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 150

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 150, a bill for An Act relating to child abuse involving termination of parental rights in certain abuse or neglect cases and access by other states to child abuse information, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4072.
2. That the House amendment, S-3543, to Senate File 150, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 4 the following:
"Section 1. Section 232.2, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:"

2. Page 1, by striking lines 8 through 11 and inserting

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Page 2

the following:

"NEW PARAGRAPH. g. The".

3. Page 1, lines 17 and 18, by striking the words "upon completion of the agreement requirements".

4. Page 5, by striking lines 30 through 32 and inserting the following: "but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs."

5. Page 5, by inserting after line 42 the following:

"Sec. ____ . Section 237.15, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., §§ 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:"

6. Page 5, by striking lines 46 through 49 and inserting the following:

"NEW PARAGRAPH. j. The actions".

7. Page 6, lines 4 and 5, by striking the words "upon completion of the agreement requirements".

8. Page 6, by inserting after line 21 the following:

"Sec. ____ . Section 598.8, Code 1995, is amended to read as follows:

598.8 HEARINGS.

Hearings for dissolution of marriage shall be held in open court upon the oral testimony of witnesses, or upon the depositions of such witnesses taken as in other equitable actions or taken by a commissioner appointed by the court.

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Page 3

However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court. Upon request of either party, the court shall provide security in the courtroom during the custody hearing if a history of domestic abuse relating to either party exists."

9. Page 6, lines 39 and 40, by striking the words "credible evidence of a history of domestic abuse" and inserting the following: "that a history of domestic abuse exists".

10. Page 6, line 48, by striking the words "credible evidence" and inserting the following: "a history".

11. Page 6, line 50, by striking the words "credible evidence" and inserting the following: "a history".

12. Page 7, by striking lines 3 and 4 and inserting the following: "domestic abuse relocates or is absent from the home based upon the".

13. Page 7, line 9, by striking the words "to the absent parent".

14. Page 7, lines 25 and 26, by striking the words "of credible evidence of domestic abuse" and inserting the following: "that a history of domestic abuse exists".

15. Page 7, line 33, by striking the words "credible evidence exists of domestic abuse" and inserting the following: "a history of domestic abuse exists".

16. By striking page 7, line 49, through page 8, line 9, and inserting the following:

NEW PARAGRAPH. j. Whether a history of domestic abuse, as defined in section 236.2, exists. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to,".

17. Page 8, line 27, by inserting after the word "order," the following: "unless the court determines that a history of domestic abuse exists as specified in subsection 3, paragraph "j", or unless the court determines that direct physical harm or significant emotional harm to the child, other children, or

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Page 4

a parent is likely to result,".

18. Page 8, by striking line 31.

19. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ROBERT DVORSKY, Chairperson
NANCY BOETTGER
JOHNIE HAMMOND
MARY E. KRAMER
ELAINE SZYMONIAK

ON THE PART OF THE HOUSE:

BILL SALTON, Chairperson
DAN BODDICKER
CECELIA BURNETT
PAM JOCHUM
KEN VEENSTRA

CCS-150 FILED APRIL 27, 1995
ADOPTED (p.1486)

Adopted 4/28/95 (p. 2052)

Dvorsky - ch
Heuhausen
Bartz

SSB-99

Human Resources
Succeeded By

SENATE/HOUSE FILE CF/HE 150

BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

A BILL FOR

1 An Act relating to child abuse involving termination of parental
2 rights in certain abuse or neglect cases and access by other
3 states to child abuse information.

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

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1 Section 1. Section 232.116, subsection 1, paragraph h,
2 Code 1995, is amended to read as follows:

3 h. The court finds that both all of the following have
4 occurred:

5 (1) The child meets the definition of child in need of
6 assistance based on a finding of physical or sexual abuse or
7 neglect as a result of the acts or omissions of one or both
8 parents.

9 (2) There is clear and convincing evidence that the abuse
10 or neglect posed a significant risk to the life of the child.

11 ~~(2)~~ (3) There is clear and convincing evidence that the
12 ~~circumstances-surrounding-the-abuse-or-neglect-of-the-child,~~
13 ~~despite-the~~ offer or receipt of services, ~~constitutes-imminent~~
14 ~~danger-to-the-child~~ would not correct the conditions which led
15 to the abuse or neglect of the child within a reasonable
16 period of time.

17 Sec. 2. Section 235A.15, subsection 2, paragraph e,
18 subparagraph (4), Code 1995, is amended to read as follows:

19 (4) To a legally constituted child protection agency of
20 another state which is investigating or treating a child named
21 in a report as having been abused or to which is investigating
22 or treating a person named as having abused a child.

23 (4A) To a public or licensed child placing agency of
24 another state responsible for an adoptive or foster care
25 preplacement or placement evaluation.

26 Sec. 3. Section 235A.15, subsection 2, paragraph e,
27 subparagraph (9), Code 1995, is amended to read as follows:

28 (9) To a legally constituted child protection agency in
29 another state if the agency is conducting a records check of a
30 person who is providing care or has applied to provide care to
31 a child in the other state.

32

EXPLANATION

33 This bill relates to abuse provisions, including an
34 amendment to one of the standards for termination of parental
35 rights involving abuse or neglect of a child by the child's

1 parent and an amendment to provisions involving access to
2 child abuse information by other states.

3 The bill amends a standard for termination of parental
4 rights in section 232.116. Under this current standard, the
5 court must find that the child is a child in need of
6 assistance due to physical or sexual abuse or neglect as a
7 result of the acts or omissions of one or both of the child's
8 parents. Current law requires the court to also find that
9 despite the receipt of services, the circumstances surrounding
10 the abuse constitute an imminent danger to the child. The
11 bill would change the required findings to provide that either
12 the receipt or offer of services would not correct the
13 conditions which led to the abuse or neglect within a
14 reasonable period of time. In addition, under the bill, the
15 court must find that the abuse or neglect constitutes a
16 significant risk to the life of the child, rather than the
17 current requirement that the circumstances constitute an
18 imminent danger to the child.

19 Section 235A.15, relating to access to child abuse
20 information, is amended. The first amendment relates to child
21 protection agencies and child placing agencies in other
22 states. The child protection agencies which are investigating
23 or treating a person named as having abused a child are now
24 allowed access. In addition, access is provided to public or
25 licensed child placing agencies for foster care evaluations
26 and placements and adoptive or foster care preplacement
27 evaluations.

28 BACKGROUND STATEMENT

29 SUBMITTED BY THE AGENCY

30 The amendment to section 232.116 revises a criteria for
31 termination of parental rights (TPR) when services are not
32 appropriate. The revised language explicitly states that TPR
33 can be pursued in some situations when there is a significant
34 risk to the life of a child even though services to alleviate
35 the problem have not been offered or received. A court of

1 appeals decision (In the interest of H.R.T. and J.E.W., Minor
2 Children, 4-7-93) determined this section of the Code excludes
3 situations where services are not offered or provided. The
4 county attorney's association proposed this version of the
5 bill during the 1994 session as Senate File 2083. The amend-
6 ment is not expected to have a fiscal impact.

7 Iowa Code section 235A.15, subsection 2, paragraph "e",
8 subparagraph (4), provides for release of identified child
9 abuse information "to a legally constituted child protection
10 agency of another state which is investigating or treating a
11 child named in a report as having been abused or to a public
12 or licensed child placing agency of another state responsible
13 for an adoptive placement". Subparagraph (9) provides for
14 release "to a legally constituted child protection agency in
15 another state if the agency is conducting a records check of a
16 person who is providing care to a child in the other state".

17 The statute allows for release of information regarding
18 child victims, or persons providing care to a child, but does
19 not specifically allow for release concerning alleged
20 perpetrators of child abuse. Often this information is
21 included in the information sent to the other state (for
22 example, when a complete child abuse report is sent), but the
23 Code language is vague as to the legality of this practice.
24 Information regarding both child victim and perpetrator is
25 relevant to pursuit of a quality investigation, records check,
26 or evaluation regarding a family or individual who has moved
27 from Iowa to another state.

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SENATE FILE 150

AN ACT

RELATING TO CHILDREN, INCLUDING CHILD ABUSE INVOLVING TERMINATION OF PARENTAL RIGHTS IN CERTAIN ABUSE OR NEGLECT CASES, THE DEPARTMENT OF HUMAN SERVICES' ADOPTION INFORMATION EXCHANGE, AND ACCESS BY OTHER STATES TO CHILD ABUSE INFORMATION, CASE PERMANENCY PLANS FOR CHILDREN IN OUT-OF-HOME PLACEMENTS, STATE FOSTER CARE REQUESTS, AND CUSTODY AND VISITATION DETERMINATIONS AND PROVIDING AN APPLICABILITY AND EFFECTIVE DATE.

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

Section 1. Section 232.2, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:

Sec. 2. Section 232.2, subsection 4, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The actions expected of the parent, guardian, or custodian in order for the department or agency to recommend that the court terminate a dispositional order for the child's out-of-home placement and for the department or agency to end its involvement with the child and the

child's family.

Sec. 3. Section 232.88, Code 1995, is amended to read as follows:

232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

After a petition has been filed the court shall issue and serve summons, notice, subpoenas, and other process in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37. In addition to the parties required to be provided notice under section 232.37, notice for any hearing under this division shall be provided to the agency, facility, institution, or person, including a foster parent, with whom a child has been placed for the purposes of foster care.

Sec. 4. Section 232.91, Code 1995, is amended to read as follows:

232.91 PRESENCE OF PARENTS, AND GUARDIAN AD LITEM, AND FOSTER PARENTS AT HEARINGS.

1. Any hearings or proceedings under this division subsequent to the filing of a petition shall not take place without the presence of the child's parent, guardian, custodian, or guardian ad litem in accordance with and subject to section 232.38. A parent without custody may petition the court to be made a party to proceedings under this division.

2. An agency, facility, institution, or person, including a foster parent, may petition the court to be made a party to proceedings under this division.

Sec. 5. Section 232.104, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. Enter an order pursuant to section 232.102 to continue placement of the child for an additional six months at which time the court shall hold a hearing to consider modification of its permanency order. An order entered under this paragraph shall enumerate the specific factors, conditions, or expected behavioral changes which comprise the basis for the determination that the need for removal of the child from the

child's home will no longer exist at the end of the additional six-month period.

Sec. 6. Section 232.2, subsection 6, paragraph o, Code 1995, is amended by striking the paragraph and inserting in lieu thereof the following:

o. Who is described by any other paragraph of this subsection and in whose body there is an illegal drug present as a direct consequence of the acts or omissions of the child's parent, guardian, or custodian which a reasonable and prudent person knew or should have known is likely to lead to the drug's presence in the child's body. The presence of the drug shall be determined in accordance with a medically relevant test as defined in section 232.73.

Sec. 7. Section 232.68, subsection 2, paragraph f, Code 1995, is amended to read as follows:

f. An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child which a reasonable and prudent person knew or should have known is likely to lead to the drug's presence in the child's body.

Sec. 8. Section 232.73, unnumbered paragraph 2, Code 1995, is amended to read as follows:

As used in this section and section 232.77, "medically relevant test" means a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, including a drug urine screen test. The Iowa department of public health, in consultation with the department of human services and the council on chemically exposed infants and children created in chapter 235C, shall adopt rules specifying minimum standards for reliable results of medically relevant tests. The rules shall include but are not limited to standards which minimize the incidence of false positive test results. The Iowa department of public health shall maintain a list of laboratories which are approved to perform medically

relevant tests in accordance with the standards adopted in administrative rules.

Sec. 9. NEW SECTION. 232.106 TERMS AND CONDITIONS ON CHILD'S PARENT.

If the court enters an order under this chapter which imposes terms and conditions on the child's parent, guardian, or custodian, the purpose of the terms and conditions shall be to assure the protection of the child. The order is subject to the following provisions:

1. The order shall state the reasons for and purpose of the terms and conditions.

2. If a parent, guardian, or custodian is required to have a chemical test of blood or urine for the purpose of determining the presence of an illegal drug, the test shall be a medically relevant test as defined in section 232.73. The parent, guardian, or custodian may select the laboratory which processes the test from among the laboratories approved pursuant to section 232.73. A positive test result shall not be used for the criminal prosecution of a parent, guardian, or custodian for the presence of an illegal drug.

Sec. 10. Section 232.116, subsection 1, paragraph h, Code 1995, is amended to read as follows:

h. The court finds that both all of the following have occurred:

(1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents.

(2) There is clear and convincing evidence that the abuse or neglect posed a significant risk to the life of the child or constituted imminent danger to the child.

~~{2}~~ (3) There is clear and convincing evidence that the circumstances-surrounding-the-abuse-or-neglect-of-the-child, despite-the offer or receipt of services, constitutes imminent danger-to-the-child would not correct the conditions which led

to the abuse or neglect of the child within a reasonable period of time.

Sec. 11. Section 232.116, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(2) The parent has been convicted of child endangerment resulting in the death of the child's sibling, has been convicted of three or more acts of child endangerment involving the child, the child's sibling, or another child in the household, or has been convicted of child endangerment resulting in a serious injury to the child, the child's sibling, or another child in the household.

(3) There is clear and convincing evidence that the circumstances surrounding the parent's conviction for child endangerment would result in a finding of imminent danger to the child.

Sec. 12. Section 232.119, subsection 5, Code 1995, is amended to read as follows:

5. A request to defer registering the child on the exchange shall be submitted in writing and shall be granted if any of the following conditions exist:

- a. The child is in an adoptive placement.
- b. The child's foster parents or another person with a significant relationship is being considered as the adoptive family.
- c. The child needs A diagnostic study or testing is necessary to clarify the child's problem needs and to provide an adequate description of the problem child's needs.
- d. The At the time of the request, the child is currently hospitalized and receiving medical care, mental health treatment, or other treatment and the child's care or treatment provider has determined that does-not-permit

adoptive placement meeting prospective adoptive parents is not in the child's best interest.

e. The child is fourteen years of age or older and will not consent to an adoption plan and the consequences of not being adopted have been explained to the child.

Upon receipt of a valid written request for deferral pursuant to paragraphs "a" through "e", the exchange shall grant the deferral, except that a deferral based on paragraph "b" or "c" shall be granted for no more than a one-time, ninety-day period unless the termination of parental rights order is appealed. However, if the foster parents or another person with a significant relationship continues to be considered the child's prospective adoptive family, additional extensions of the deferral may be granted until ninety days after the date of the final decision regarding the appeal.

6. The following requirements apply to a request to defer registering a child on the adoption exchange under subsection 5:

a. For a deferral granted by the exchange pursuant to subsection 5, paragraph "a", "b", or "e", the child's guardian shall address the child's deferral status in the report filed with the court and the court shall review the deferral status in the six-month review hearings held pursuant to section 232.117, subsection 6.

b. In addition to the requirements of paragraph "a", a deferral granted by the exchange pursuant to subsection 5, paragraph "b", shall be limited to not more than a one-time, ninety-day period unless the termination of parental rights order is appealed or the child is placed in a hospital or other institutional placement. However, if the foster parents or another person with a significant relationship continues to be considered the child's prospective adoptive family, additional extensions of the deferral request under subsection 5, paragraph "b", may be granted until sixty days after the date of the final decision regarding the appeal or until the

date the child is discharged from a hospital or other institutional placement.

c. A deferral granted by the exchange pursuant to subsection 5, paragraph "c", shall be limited to not more than a one-time, ninety-day period.

d. A deferral granted by the exchange pursuant to subsection 5, paragraph "d", shall be limited to not more than a one-time, one hundred-twenty-day period.

Sec. 13. Section 232.189, Code 1995, is amended to read as follows:

232.189 REASONABLE EFFORTS ADMINISTRATIVE REQUIREMENTS.

Based upon a model reasonable efforts family court initiative, the director of human services and the chief justice of the supreme court or their designees shall jointly establish and implement a statewide protocol for reasonable efforts to prevent or eliminate the need for placement of a child outside the child's home. In addition, the director and the chief justice shall design and implement a system for judicial and departmental reasonable efforts education for deployment throughout the state. The system for reasonable efforts education shall be developed in a manner which addresses the particular needs of rural areas and shall include but is not limited to all of the following topics:

1. Regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.

2. The duties of judicial and departmental employees associated with placing a child removed from the child's home into a permanent home and the urgency of the placement for the child.

3. The essential elements, including writing techniques, in developing effective permanency plans.

4. The essential elements of gathering evidence sufficient for the evidentiary standards required for judicial orders under this chapter.

Sec. 14. NEW SECTION. 234.7 DEPARTMENT DUTIES.

The department of human services shall comply with the following requirement associated with child foster care licensees under chapter 237:

The department shall include a child's foster parent in and provide timely notice of planning and review activities associated with the child, including but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.

Sec. 15. Section 235A.15, subsection 2, paragraph e, subparagraph (4), Code 1995, is amended to read as follows:

(4) To a legally constituted child protection agency of another state which is investigating or treating a child named in a report as having been abused or to which is investigating or treating a person named as having abused a child.

(4A) To a public or licensed child placing agency of another state responsible for an adoptive or foster care preplacement or placement evaluation.

Sec. 16. Section 235A.15, subsection 2, paragraph e, subparagraph (9), Code 1995, is amended to read as follows:

(9) To a legally constituted child protection agency in another state if the agency is conducting a records check of a person who is providing care or has applied to provide care to a child in the other state.

Sec. 17. Section 235C.3, subsection 3, Code 1995, is amended to read as follows:

3. IDENTIFICATION. The council shall develop recommendations regarding state programs or policies to increase the accuracy of the identification of chemically exposed infants and children.

Sec. 18. Section 237.15, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., §§ 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve

placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:

Sec. 19. Section 237.15, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. The actions expected of the parent, guardian, or custodian in order for the agency to recommend that the court terminate a dispositional order for the child's out-of-home placement and for the agency to end its involvement with the child and the child's family.

Sec. 20. Section 273.2, subsection 1, Code 1995, is amended to read as follows:

1. In-service training programs for employees of school districts and area education agencies, provided at the time programs and services are established they do not duplicate programs and services available in that area from the universities under the state board of regents and from other universities and four-year institutions of higher education in Iowa. The in-service training programs shall include but are not limited to regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.

Sec. 21. Section 598.8, Code 1995, is amended to read as follows:

598.8 HEARINGS.

Hearings for dissolution of marriage shall be held in open court upon the oral testimony of witnesses, or upon the depositions of such witnesses taken as in other equitable actions or taken by a commissioner appointed by the court.

However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court. Upon request of either party, the court shall provide security in the courtroom during the custody hearing if a history of domestic abuse relating to either party exists.

Sec. 22. Section 598.41, subsections 1 and 2, Code 1995, are amended to read as follows:

1. a. The court, insofar as is reasonable and in the best interest of the child, shall order the custody award, including liberal visitation rights where appropriate, which will assure the child the opportunity for the maximum continuing physical and emotional contact with both parents after the parents have separated or dissolved the marriage, and which will encourage parents to share the rights and responsibilities of raising the child unless direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result from such contact with one parent, and which will encourage parents to share the rights and responsibilities of raising the child.

b. Notwithstanding paragraph "a", if the court finds that a history of domestic abuse exists, a rebuttable presumption against the awarding of joint custody exists.

c. The court shall consider the denial by one parent of the child's opportunity for maximum continuing contact with the other parent, without just cause, a significant factor in determining the proper custody arrangement. Just cause may include a determination by the court pursuant to subsection 3, paragraph "j", that a history of domestic abuse exists between the parents.

d. If a history of domestic abuse exists as determined by a court pursuant to subsection 3, paragraph "j", and if a parent who is a victim of such domestic abuse relocates or is absent from the home based upon the fear of or actual acts or threats of domestic abuse perpetrated by the other parent, the

court shall not consider the relocation or absence of that parent as a factor against that parent in the awarding of custody or visitation.

e. Unless otherwise ordered by the court in the custody decree, both parents shall have legal access to information concerning the child, including but not limited to medical, educational and law enforcement records.

2. a. On the application of either parent, the court shall consider granting joint custody in cases where the parents do not agree to joint custody.

b. If the court does not grant joint custody under this subsection, the court shall cite clear and convincing evidence, pursuant to the factors in subsection 3, that joint custody is unreasonable and not in the best interest of the child to the extent that the legal custodial relationship between the child and a parent should be severed.

c. A finding by the court that a history of domestic abuse exists, as specified in subsection 3, paragraph "j", which is not rebutted, shall outweigh consideration of any other factor specified in subsection 3 in determination of the awarding of custody under this subsection.

d. Before ruling upon the joint custody petition in these cases, unless the court determines that a history of domestic abuse exists as specified in subsection 3, paragraph "j", or unless the court determines that direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result, the court may require the parties to participate in custody mediation counseling to determine whether joint custody is in the best interest of the child. The court may require the child's participation in the mediation counseling insofar as the court determines the child's participation is advisable.

e. The costs of custody mediation counseling shall be paid in full or in part by the parties and taxed as court costs.

Sec. 23. Section 598.41, subsection 3, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Whether a history of domestic abuse, as defined in section 236.2, exists. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to, commencement of an action pursuant to section 236.3, the issuance of a protective order against the parent or the issuance of a court order or consent agreement pursuant to section 236.5, the issuance of an emergency order pursuant to section 236.6, the holding of a parent in contempt pursuant to section 236.8, the response of a peace officer to the scene of alleged domestic abuse or the arrest of a parent following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to section 708.2A.

Sec. 24. Section 598.41, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If an application for modification of a decree or a petition for modification of an order is filed, based upon differences between the parents regarding the custody arrangement established under the decree or order, unless the court determines that a history of domestic abuse exists as specified in subsection 3, paragraph "j", or unless the court determines that direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result, the court may require the parents to participate in mediation to attempt to resolve the differences between the parents.

Sec. 25. Section 600A.5, subsection 3, paragraph c, Code 1995, is amended to read as follows:

c. A plain statement of the facts and grounds in section 600A.8~~7~~-~~subsections 1 to 4~~7, which indicate that the parent-child relationship should be terminated.

Sec. 26. Section 600A.8, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Both of the following circumstances apply to a parent:

a. The parent has been determined to be a chronic substance abuser as defined in section 125.2 and the parent has committed a second or subsequent domestic abuse assault pursuant to section 708.2A.

b. The parent has abducted the child, has improperly removed the child from the physical custody of the person entitled to custody without the consent of that person, or has improperly retained the child after a visit or other temporary relinquishment of physical custody.

Sec. 27. Section 600B.40, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In determining the visitation or custody arrangements of a child born out of wedlock, if a judgment of paternity is entered and the mother of the child has not been awarded sole custody, section 598.41 shall apply to the determination, as applicable, and the court shall consider the factors specified in section 598.41, subsection 3, including but not limited to the factor related to a parent's history of domestic abuse.

Sec. 28. Section 602.1203, Code 1995, is amended to read as follows:

602.1203 PERSONNEL CONFERENCES.

The chief justice may order conferences of judicial officers or court employees on matters relating to the administration of justice or the affairs of the department. For judges and other court employees who handle cases involving children and family law, the chief justice shall require regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.

Sec. 29. APPLICABILITY AND EFFECTIVE DATE. Section 9 of this Act, enacting section 232.106, being deemed of immediate importance, takes effect upon enactment and applies to

medically relevant tests performed on or after the effective date of this Act pursuant to court orders imposing terms and conditions which are in effect on or after the effective date of this Act.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 150, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 19, 1995

TERRY E. BRANSTAD
Governor