

232.149 Records of criminal or juvenile justice agencies, intake officers, and juvenile court officers.

1. The taking of a child into custody under the provisions of [section 232.19](#) shall not be considered an arrest.

2. Records and files of a criminal or juvenile justice agency, an intake officer, or a juvenile court officer concerning a child involved in a delinquent act are confidential. The records are subject to sealing under [section 232.150](#) unless the juvenile court waives its jurisdiction over the child so that the child may be prosecuted as an adult for a public offense. A criminal or juvenile justice agency may disclose to individuals involved in the operation of a juvenile diversion program police reports and related information that assist in the operation of the juvenile diversion program.

3. Records and files of a criminal or juvenile justice agency, an intake officer, or a juvenile court officer concerning a defendant transferred under [section 803.6](#) to the juvenile court for the alleged commission of a public offense are public records, except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of [section 22.7](#) and [chapter 692](#), and juvenile court social records shall be deemed confidential criminal identification files under [section 22.7, subsection 9](#). The records are subject to sealing under [section 232.150](#).

4. Notwithstanding [subsection 2](#), if a juvenile who has been placed in detention under [section 232.22](#) escapes from the facility, the criminal or juvenile justice agency may release the name of the juvenile, the facts surrounding the escape, and the offense or alleged offense which resulted in the placement of the juvenile in the facility.

5. Records of an intake officer or juvenile court officer containing a dismissal of a complaint or an informal adjustment of a complaint if no petition is filed relating to the complaint, shall not be available to the public and may only be inspected by or disclosed to the following:

- a. The judge and professional court staff, including juvenile court officers.
- b. The child's counsel or guardian ad litem.
- c. The county attorney and county attorney's assistants.
- d. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.
- e. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.
- f. The statistical analysis center for the purposes stated in [section 216A.136](#).
- g. The state public defender.
- h. The department of human services.
- i. The alleged victim of the delinquent act.

6. Notwithstanding [subsections 2 and 5](#), information from such records and files may be disclosed by a juvenile justice agency, intake officer, or juvenile court officer, when making referrals for placement of the child, to an agency, individual, association, facility, or institution that will have physical custody of the child, or will become responsible for the care, treatment, or supervision of the child upon placement.

[C66, 71, 73, 75, 77, §232.15; C79, 81, §232.149]

[83 Acts, ch 186, §10057, 10201](#); [85 Acts, ch 173, §15](#); [94 Acts, ch 1172, §26](#); [95 Acts, ch 191, §18, 19](#); [97 Acts, ch 126, §34, 35](#); [2015 Acts, ch 58, §2](#); [2016 Acts, ch 1002, §10, 17](#); [2018 Acts, ch 1153, §8, 9](#)

Referred to in [§13B.4A](#), [216A.136](#), [232.19](#), [232.91](#), [232.150](#), [232.151](#), [232C.4](#), [692.2](#), [692A.121](#), [915.25](#)

2016 amendment applies to juvenile delinquency proceedings which are pending or arise on or after July 1, 2016; 2016 Acts, ch 1002, §17

Subsection 2 amended

NEW subsection 6