

January 26, 1965.

Passed on File.

Senate File 95

By O'MALLEY, FROMMELT,
MESSERLY, ELY and MINCKS
(Maule, Wilson, Kluever and Doyle).

Industrial + human relations 1/27
passed 4/14

Senate, Date 5/6

Passed House, Date 5/25

Ayes 49 Nays 0

Vote: Ayes 10 Nays 11

Approved.....

approved 5/6

A BILL FOR

Referring Committee 5/11

deferred 5/24

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

Motion to reconsider filed 5/7 prevailed 5/10 (37-12) motions to defeat table lost 5/25

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

passed Senate as amended 5/10 (47-2) concurred in House amendment 5/28

Passed Senate as amended 5/28

- 1 Section 1. Chapter two hundred thirty-two (232), Code 1962, is
- 2 hereby repealed and sections two (2) through sixty-two (62) of
- 3 this Act are enacted in lieu thereof.

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

- 1 Sec. 3. When used in this Act, unless the context otherwise
- 2 requires:

- 3 1. "Court" means the juvenile court division of the district
- 4 court.

- 5 2. "Judge" means the judge of the juvenile court division of
- 6 the district court.

- 7 3. "Child" means a person less than eighteen (18) years of age.

- 8 4. "Minor" means a person less than twenty-one (21) years of
- 9 age.

10 5. "Adult" means a person twenty-one (21) years of age or older.

11 6. "Detention" means the temporary care of children who require
12 secure custody for their own protection or the protection of the
13 community in physically restricting facilities pending court dis-
14 position.

15 7. "Shelter" means the temporary care of children physically
16 unrestricting facilities pending court disposition.

17 8. "Guardianship of the person" with respect to a minor means
18 the duty and authority to make important decisions in matters
19 having a permanent effect on the life and development of the minor
20 and to be concerned about the general welfare of the minor.

21 Guardianship of the person includes but is not limited to:

22 a. The authority to consent to marriage, to enlistment in the
23 armed forces of the United States, to major medical, psychiatric,
24 and surgical treatment, to represent the minor in legal actions,
25 and to make other decisions of substantial legal significance
26 concerning the minor.

27 b. The authority and duty of reasonable visitation except to
28 the extent that such right of visitation has been limited by
29 court order.

30 c. The rights and responsibilities of legal custody except
31 where legal custody has been vested in another individual or in
32 an authorized agency.

33 d. The authority to consent to the adoption of a child and to
34 make any other decision concerning the child which could be made
35 by the parents of the child when the parent-child relationship has
36 been terminated by judicial decree with respect to the parents or
37 the only living parent, or when there is no living parent.

38 A juvenile court guardianship of the person does not include

39 guardianship of any estate of the child.

40 9. "Legal custody" means the relationship created by court
41 decree which imposes on the custodian the responsibility of
42 physical possession of the child, the duty to protect, train, and
43 discipline the child, and to provide the child with food, clothing,
44 housing, education, and ordinary medical care, all subject to re-
45 sidual parental rights and responsibilities and the rights and
46 responsibilities of the guardian of the person.

47 10. "Probation" is a legal status created by court order fol-
48 lowing an adjudication of delinquency whereby a minor is permitted
49 to remain in his home subject to supervision by the court or an
50 agency designated by the court and subject to return to the court
51 for violation of probation at any time during the period of pro-
52 bation.

53 11. "Protective supervision" is a legal status created by court
54 order in proceedings not involving violation of law but when the
55 legal custody of the child is subject to change, whereby the child
56 is permitted to remain in the home under supervision by the court
57 or an agency designated by the court and subject to return to the
58 court during the period of protective supervision.

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

60 13. "Delinquent child" means a child:

61 a. Who has violated any state or local law or ordinance except
62 any offense which is exempted from this Act by law.

63 b. Who has violated a federal law or a law of another state
64 and whose case has been referred to the juvenile court.

65 c. Who is uncontrolled by his parents, guardian, or legal cus-
66 todian by reason of being wayward or habitually disobedient.

67 d. Who habitually deports himself in a manner that is inju-

68 rious to himself or others.

69 14. "Dependent child" means a child:

70 a. Who is without a parent, guardian, or other custodian.

71 b. Who is in need of special care and treatment required by his
72 physical or mental condition which the parents, guardian, or other
73 custodian is unable to provide.

74 c. Whose parents, guardian, or other custodian for good cause
75 desires to be relieved of his care and custody.

76 15. "Neglected child" means a child:

77 a. Who is abandoned by his parents, guardian, or other custo-
78 dian.

79 b. Who is without proper parental care because of the emo-
80 tional, mental, or physical disability, or state of immaturity
81 of his parents, guardian, or other custodian.

82 c. Who is without proper parental care because of the faults
83 or habits of his parents, guardian, or other custodian.

84 d. Who is living under conditions injurious to his mental or
85 physical health or welfare.

1 Sec. 4. Whenever the court is informed by any competent person
2 that a minor is within the purview of this Act, a petition may be
3 filed immediately by any informed person except in cases of alleged
4 neglect, dependency, and delinquency. Where neglect, dependency,
5 or delinquency is alleged, the court shall make a preliminary
6 investigation of the facts presented which bring the minor under
7 this Act to determine whether the interests of the public or of
8 the minor require further action be taken. After such investiga-
9 tion, the judge or a probation officer may authorize the filing
10 of a petition with the clerk of the court by any informed person
11 without payment of a filing fee. If the facts appear to establish

12 prima-facie jurisdiction and are admitted by the minor and consent
13 is obtained from the person having care and custody of the minor,
14 the judge or probation officer may make whatever informal adjust-
15 ment is practicable without a petition. Efforts to effect in-
16 formal adjustment may be continued not longer than three (3) months
17 without review by the judge.

18 The petition and subsequent court documents shall be entitled
19 "In the interest of, a minor." The petition shall
20 be verified and any statements may be made upon information and
21 belief. The petition shall set forth plainly:

22 1. The facts which bring the minor within the purview of this
23 Act.

24 2. The name, age, and residence of the minor.

25 3. The names and residences of the parents of the minor.

26 4. The name and residence of the legal guardian of the minor
27 if there be one, of the person or persons having custody or con-
28 trol of the minor, or of the nearest known relative of the minor
29 if no parent or guardian can be found.

30 If any of the facts herein required are not known by the peti-
31 tioner the petition shall so state.

32 Complaint with reference to more than one (1) minor may be
33 embraced in one (1) count of the petition subject to being later
34 divided or separate hearings held on order of the court.

1 Sec. 5. After a petition has been filed and unless the parties
2 named in section six (6) of this Act voluntarily appear, the court
3 shall set a time for hearing and shall issue a summons requiring
4 the person who has custody or control of the minor to appear with
5 the minor before the court at a time and place stated. The sum-
6 mons shall recite briefly the substance of the petition or shall

7 have attached a copy of the petition and shall give notification
8 of the right to counsel provided for in section twenty-nine (29)
9 of this Act.

1 Sec. 6. The court shall have notice of the pendency of the
2 case and of the time and place of the hearing served upon the
3 parents, guardian, or legal custodian of a legitimate minor or
4 upon the mother, guardian, or legal custodian of an illegitimate
5 minor if they are not summoned to appear as provided in section
6 five (5) of this Act. The notice shall recite briefly the sub-
7 stance of the petition or shall have attached a copy of the
8 petition and shall give notification of the right to counsel
9 provided for in section twenty-nine (29) of this Act.

1 Sec. 7. The court may issue a subpoena requiring the appear-
2 ance of any other person whose presence in the opinion of the
3 court is necessary at the hearing. A parent or guardian shall be
4 entitled to subpoena the attendance of witnesses on his own behalf
5 or on behalf of the minor.

1 Sec. 8. If it appears from the petition or by separate affida-
2 vit of a person having knowledge of the fact that the minor is in
3 such condition or surroundings that the welfare of the minor re-
4 quires that custody be immediately assumed by the court, the court
5 may order by endorsement on the summons that the officer serving
6 the summons take the minor into custody immediately.

1 Sec. 9. Service of the summons shall be made personally by the
2 delivery of an attested copy thereof to the person summoned to
3 appear. If the judge is satisfied that personal service of the
4 notice provided for in section six (6) of this Act is impracti-
5 cable, the judge may order service by certified mail addressed to
6 the last known address or by publication or both. Service of

7 notice or summons shall be made not less than five (5) days before
8 the time fixed for the hearing.

1 Sec. 10. Service of summons, process, or notice required by
2 this Act may be made by any suitable person under the direction of
3 the court and upon request of the court shall be made by any peace
4 officer.

1 Sec. 11. If any person personally served with a summons or
2 subpoena fails without reasonable cause to appear or to bring the
3 minor, the person may be proceeded against for contempt of court
4 or the court may issue a warrant for the arrest of the person or
5 both. When it appears to the court that the service will be inef-
6 fectual or that the welfare of the minor will require that the
7 minor be brought forthwith into the custody of the court, the
8 court may issue a warrant for the minor.

1 Sec. 12. The hearing on the merit of the petition shall not
2 take place without the presence of one (1) or both of the parents
3 or the guardian, or if none is present a guardian ad litem shall
4 be appointed by the court to protect the interests of the minor.
5 The court may also appoint a guardian ad litem whenever necessary
6 for the welfare of the child whether or not a parent or guardian
7 is present.

1 Sec. 13. When it appears during the course of any trial,
2 hearing, or proceeding that some action or remedy other than or
3 in addition to those indicated by the application or pleadings
4 appears appropriate, the court may, provided all necessary parties
5 consent, proceed to hear and determine the additional or other
6 issues as though originally properly sought and pleaded.

1 Sec. 14. The court may order that a minor for whom a petition
2 has been filed shall be examined by a physician, surgeon, psychia-

3 trist, or psychologist and may order treatment by them of a minor
4 who has been adjudicated by the court. The court may place the
5 minor in a hospital or other suitable facility for such examina-
6 tion or treatment.

1 Sec. 15. No decree other than discharge shall be entered until
2 a written report of a social investigation by an officer of the
3 court has been presented to and considered by the judge. Where
4 the allegations of the petition are denied by the minor or his
5 parents, guardian, or custodian by written denial filed not later
6 than two (2) days excluding Sundays and holidays after service
7 of summons as required in section five (5) of this Act or at the
8 time the parties appear voluntarily, the investigation shall not
9 be made until after the allegations have been established at a
10 hearing. The investigation shall include the circumstances of the
11 offense or complaint, the social history and present condition of
12 the minor and family, and plans for the minor's immediate care, as
13 related to the decree. In cases of support, the investigation
14 shall also include such matters as earnings, financial obligations,
15 and employment.

1 Sec. 16. No child may be taken into immediate custody except:

- 2 1. With an order issued by the court in accordance with the
3 provisions of section eight (8) of this Act or by a warrant issued
4 in accordance with the provisions of section eleven (11) of this
5 Act.
- 6 2. In accordance with the laws relating to arrests.
- 7 3. By a peace officer:
 - 8 a. When it is reasonably believed that a child has run away
9 from his parents, guardian, or custodian.
 - 10 b. When a child is found in surroundings or conditions which

11 endanger the health or welfare of the child.

12 4. By a peace officer or probation or parole officer when it
13 is reasonably believed that the child has violated the terms of
14 his probation, parole, or other official supervision.

15 The taking of a child into custody under the provisions of
16 this section shall not be considered an arrest.

1 Sec. 17. When a child is taken into custody as provided in
2 section sixteen (16) of this Act, the parents, guardian, or cus-
3 todian of the child shall be notified as soon as possible by the
4 person taking the child into custody. Except where the immediate
5 welfare of the child or the protection of the community requires
6 that the child shall be detained, the child shall be released to
7 the custody of the parents, guardian, custodian, or other suitable
8 person on the promise of such person to bring the child to the
9 court, if necessary, at such time as the court may direct.

1 Sec. 18. If a child is not released as provided in section
2 seventeen (17) of this Act, the person taking the child into
3 custody shall notify the court as soon as possible of the deten-
4 tion of the child and the reasons for the detention. The child
5 shall be taken immediately to a place of detention specified in
6 section nineteen (19) of this Act and may be held for not longer
7 than twenty-four (24) hours after the taking into custody unless
8 an order for detention specifying the reason for the detention
9 is signed by the judge. No child may be held longer than forty-
10 eight (48) hours after the taking into custody unless a petition
11 has been filed and the judge determines that the child shall re-
12 main in custody or unless the court refers the matter to the
13 prosecuting authority for proper action in the criminal court.
14 The parents, guardian, or custodian of the child shall be notified

15 of the place of detention as soon as possible. If continued de-
16 tention is not ordered, the court or designated officer shall
17 release the child in the manner provided in section seventeen (17)
18 of this Act.

1 Sec. 19. A child may be detained as provided in section eight-
2 een (18) of this Act in one of the following places:

3 1. A juvenile home.

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

6 3. A suitable place designated by the court.

7 4. A room entirely separate from adults in a jail, lockup,
8 police station, or other adult detention facility as provided in
9 section twenty (20) of this Act.

1 Sec. 20. No child shall at any time be confined in a police
2 station, lockup, jail, or prison except that a child may be de-
3 tained for the purpose of protective custody for a period not to
4 exceed twelve (12) hours or a child fourteen (14) years of age or
5 older may upon the order of the judge be temporarily confined in
6 a room entirely separate from adults in an adult detention facil-
7 ity. A child may be detained in an adult detention facility upon
8 order of the judge only if the child is alleged to be delinquent
9 and has shown by his habits, conduct, or conditions that he con-
10 stitutes a menace to himself or society to the extent that he
11 cannot be released or cannot be detained in a place designated in
12 subsection (1), two (2), or three (3), of section nineteen
13 (19) of this Act.

1 Sec. 21. The sheriff, warden, or other official in charge
2 of a jail or other facility for the detention of adult offenders
3 or persons charged with crimes shall inform the juvenile court

1 immediately when a child who is or appears to be under eighteen
5 (18) years of age is received at the facility.

1 Sec. 22. County boards of supervisors may either singly or in
2 conjunction with one (1) or more other counties provide and main-
3 tain, separate, apart, and outside the enclosures of any jail or
4 police station, a suitable juvenile home for dependent, neglected,
5 and delinquent children. Such a home shall be constructed so far
6 as practicable so that children requiring detention shall be
7 separated from the children requiring shelter.

1 Sec. 23. For the purpose of providing and maintaining a county
2 or multicounty juvenile home, the board of supervisors of any
3 county may issue bonds and authorize the expenditure of such
4 amounts as are consistent with the provisions of chapter three
5 hundred forty-five (345) of the Code. The board of supervisors
6 of any county is authorized to levy a tax not to exceed two (2)
7 mills for the purpose of maintaining a county or multicounty juve-
8 nile home. Expenses for providing and maintaining a juvenile home
9 shall be paid by the county or counties participating in a manner
10 to be determined by board or boards of supervisors of participat-
11 ing counties.

1 Sec. 24. Upon request of the board of supervisors, the county
2 board or county boards of education shall provide suitable cur-
3 riculum, teaching staff, books, supplies, and other necessary
4 materials and equipment for the instruction of children of school
5 age who are detained in the juvenile home.

1 Sec. 25. The state board of social welfare shall adopt minimal
2 rules, regulations, and standards for the establishment, mainte-
3 nance, and operation of juvenile homes as shall be necessary to
4 effect the purpose of this Act. Said board shall, upon request,

5 give guidance and consultation in the establishment and adminis-
6 tration of a juvenile home and a juvenile home program.

1 Sec. 26. The state board of social welfare shall approve
2 annually all county or multicounty juvenile homes established
3 and maintained under the provisions of this Act. No county or
4 multicounty juvenile home shall be approved unless such homes
5 comply with minimal rules, regulations, and standards adopted by
6 said board.

1 Sec. 27. Approved county or multicounty juvenile homes shall
2 be entitled to receive financial aid from the state in the amount
3 and in such manner as determined by the state board of social wel-
4 fare. Aid paid by the state shall not exceed fifty (50) percent
5 of the total cost of the establishment, improvements, operation,
6 and maintenance of a juvenile home.

1 Sec. 28. Hearings on any matter shall be without a jury and
2 may be conducted in an informal manner. Hearings may be continued
3 from time to time and in the interim the court may make such
4 orders as it deems in the best interests of the minor. The court
5 shall exclude the general public from hearings and shall admit
6 only those persons who in the discretion of the court have a
7 direct interest in the case or in the work of the court. The
8 court may require the presence of witnesses deemed necessary to
9 the disposition of the petition. Adoption hearings shall be con-
10 ducted in accordance with the provisions of laws relating to
11 adoption.

1 Sec. 29. The minor, parents, guardian, or custodian shall have
2 the right to counsel. If the minor, parents, guardian, or custo-
3 dian desire but are unable to employ counsel, such counsel shall
4 be appointed by the court.

1 Sec. 30. The county attorney shall present the evidence upon
2 request of the court in all proceedings except adoptions.

1 Sec. 31. Except in delinquency proceedings based on the al-
2 leged commission of a public offense, the court may waive the
3 presence of the minor in the court at any stage of the proceedings
4 when the court deems it in the best interests of the minor. In
5 delinquency proceedings if the minor is found to be delinquent,
6 the court after the finding of delinquency is made may excuse the
7 presence of the minor from the hearing when the court deems it in
8 the best interests of the minor. In any proceedings, the court
9 may temporarily excuse the presence of the parents or guardian of
10 a minor from the hearing when the court deems it in the best in-
11 terests of the minor. The attorney or guardian ad litem, if any,
12 has the right to continue to participate in proceedings during
13 the absence of the minor, parents, or guardian.

1 Sec. 32. The minor and his parents, guardian, or custodian are
2 entitled to be heard, to present evidence material to the case,
3 and to question witnesses appearing at the hearing.

1 Sec. 33. Stenographic notes or mechanical recordings shall be
2 required in all court hearings as in other civil cases unless the
3 parties waive the right to such records and the court so orders.

1 Sec. 34. If the court finds that the child is neglected or
2 dependent, the court shall enter an order making any one (1) or
3 more of the following dispositions of the case:

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

6 2. Place the child under the protective supervision of the
7 county department of social welfare or a child placing agency in
8 the home of the child under conditions prescribed by the court

9 directed to the correction of the neglect or dependency of the
10 child.

11 3. Transfer legal custody of the child, subject to the con-
12 tinued jurisdiction of the court, to one (1) of the following:

13 a. A child placing agency.

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

15 c. A reputable individual of good moral character.

16 4. Commit the child to the state board of control for place-
17 ment at the Iowa juvenile home or the Iowa Annie Wittenmyer home.

18 5. Commit to or place the child in any private institution or
19 hospital for the care and training of children or any public in-
20 stitution for the care and training of children other than an
21 institution under the jurisdiction of the state board of control.

22 6. If the child is in need of special treatment or care for
23 his physical or mental health, the court may order the parents,
24 guardian, or custodian of the child to provide such treatment or
25 care. If the parents, guardian, or custodian fail to provide the
26 treatment or care, the court may order the treatment or care pro-
27 vided.

28 7. At any time while the child is under the jurisdiction of
29 the court, the court may terminate the proceedings and order the
30 child released from the control of the court.

1 Sec. 35. If the court finds that the minor is delinquent, the
2 court shall enter an order making any one (1) or more of the
3 following dispositions of the case:

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

6 2. Place the minor under the supervision of a probation of-
7 ficer or other suitable person in the home of the minor.

8 3. Subject to the continued jurisdiction of the court, trans-
9 fer legal custody of the minor to one (1) of the following:

10 a. A child placing agency.

11 b. A probation department.

12 c. A reputable individual of good moral character.

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

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

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

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

1 Sec. 36. Commitment to the state board of control shall vest
2 guardianship of the person of the child so committed in the board
3 and shall terminate the court's jurisdiction.

1 Sec. 37. All orders for supervision, custody, or commitment
2 shall be enforced until the minor reaches the age of twenty-one
3 (21) years unless otherwise specified by the court. All orders
4 shall be reviewed by the court at least annually unless the court's
5 jurisdiction has been terminated. The court may make on its own
6 motion or on the motion of an interested party and after notice

7 to the parties and a hearing some other disposition of the case
8 so long as the court retains jurisdiction.

1 Sec. 38. Any person, agency, or institution to whom legal
2 custody is transferred shall report to the court in writing at
3 such periods as the court may direct.

1 Sec. 39. When the court transfers legal custody of a minor to
2 any agency or commits a minor to any institution, the court shall
3 transmit its order, a copy of its findings, and a summary of its
4 information concerning the minor to the agency or institution.

1 Sec. 40. Jurisdiction of a minor on probation or under pro-
2 tective supervision may in cases of change of residency be trans-
3 ferred to the court of the county wherein the new residence is
4 established. Thereupon that court will have the same power with
5 respect to the minor that it would have had if the petition had
6 been initiated in that court.

1 Sec. 41. No termination of the relationship between the parents
2 and a child shall be ordered under the provisions of this Act
3 except pursuant to the provisions set forth in sections forty-two
4 (42) through fifty-one (51) of this Act. Sections forty-two (42)
5 through fifty-one (51) of this Act shall apply only to a petition
6 to terminate the relationship between parent and child.

1 Sec. 42. The court may upon petition terminate the relationship
2 between parent and child:

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

5 2. If the court finds that one (1) or more of the following
6 conditions exist:

7 a. That the parents have abandoned the child.

8 b. That the parents have substantially and continuously or

9 repeatedly refused to give the child necessary parental care and
10 protection.

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

17 d. That the parents are unfit by reasons of debauchery, in-
18 toxication, habitual use of narcotic drugs, repeated lewd and
19 lascivious behavior, or other conduct found by the court likely
20 to be detrimental to the physical or mental health or morals of
21 the child.

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

1 Sec. 43. Venue for the proceedings for the termination of
2 parental rights is either the county where the child resides or
3 is found. If a court has made an order under the provisions of
4 section thirty-four (34) of this Act and the order is in force at
5 the time the petition for termination of the parent relationship
6 is filed, the court making the order shall hear the termination
7 proceeding unless the court transfers the proceeding to another
8 juvenile court where venue lies.

1 Sec. 44. Any reputable person having knowledge of circumstances
2 which indicate that a parent-child relationship should be termi-
3 nated may petition the court in the manner provided in section four
4 (4) of this Act.

1 Sec. 45. The termination of parent-child relationship shall

2 be made only after a hearing before the court in the manner pro-
3 vided in section twenty-eight (28) of this Act.

1 Sec. 46. The court shall have notice of the time, place, and
2 purpose of the hearing served on the parents of the child, the
3 petitioner, the guardian of the person of the child, the person
4 having legal custody of the child, any individual standing in
5 loco parentis of the child, and the guardian ad litem of any party.
6 Notice shall be given in the manner provided for in sections five
7 (5) through ten (10) of this Act, except that notice by personal
8 service shall be made at least ten (10) days before the day of
9 the hearing, published notice shall be made for three (3) consecu-
10 tive weeks, the last publication to be at least ten (10) days
11 before the day of the hearing, and notice sent by certified mail
12 shall be mailed at least twenty (20) days before the day of the
13 hearing. A parent who consents to the termination may waive in
14 writing the notice required by this section. If the parent is
15 incompetent the waiver shall be effective only if the guardian
16 ad litem of the parent concurs in writing.

1 Sec. 47. The court's finding with respect to grounds for
2 termination shall be based upon a preponderance of evidence under
3 the rules applicable to the trial of civil cases, provided that
4 relevant and material information of any nature including that
5 contained in reports, studies, or examinations may be admitted
6 and relied upon to the extent of its probative value. When in-
7 formation contained in a report, study, or examination is admitted
8 in evidence, the person making such a report, study, or examina-
9 tion shall be subject to both direct and cross-examination when
10 reasonably available.

1 Sec. 48. If after a hearing the court does not terminate the

2 parent-child relationship but determines that conditions of neg-
 3 lect or dependency exist, the court may find the child neglected
 4 or dependent and may enter an order in accordance with the pro-
 5 visions of section thirty-four (34) of this Act.

1 Sec. 49. If after a hearing the court terminates the parent-
 2 child relationship between the child and both parents or between
 3 the child and the mother if the child is born out of wedlock or
 4 between the child and the only living parent, the court shall
 5 order guardianship of the person and legal custody of the child
 6 transferred to:

- 7 1. The county or state department of social welfare.
- 8 2. A licensed child placing agency.
- 9 3. A reputable individual of good moral character.
- 10 4. The state board of control for placement at the Iowa Annie
 11 Wittenmyer home or the Iowa juvenile home.

1 Sec. 50. A certified copy of the findings in the order ter-
 2 minating the parent-child relationship and a summary of the court's
 3 information concerning the child shall be provided by the court
 4 to the department, agency, or institution to which guardianship
 5 is transferred. The orders shall be on a document separate from
 6 the findings. The court shall furnish the individual to whom
 7 guardianship is transferred a copy of the order terminating the
 8 parent-child relationship.

1 Sec. 51. Upon its own motion or upon petition of an interested
 2 party, the court having jurisdiction of the child may after notice
 3 to the parties and a hearing remove the guardian appointed by
 4 the court and appoint a new guardian in accordance with the pro-
 5 visions of subsection one (1), two (2), and three (3) of section
 6 forty-nine (49) of this Act. Any minor fourteen (14) years of age

7 or older who is not adopted but who is placed in a satisfactory
8 foster home may with the consent of the foster parents join with
9 the guardian appointed by the court in a petition to the court
10 having jurisdiction of the child to discharge the existing guardian
11 and appoint the foster parents as guardians of the child. The
12 authority of a guardian appointed by the court terminates when
13 the individual under guardianship is no longer a minor or is
14 adopted.

1 Sec. 52. Whenever legal custody of a minor is transferred by
2 the court or whenever the minor is placed by the court with some-
3 one other than the parents or whenever a minor is given physical
4 or mental examinations or treatment under order of the court and
5 no provision is otherwise made by law for payment for the care,
6 examination, or treatment of the minor, the costs shall be charged
7 upon the funds of the county in which the proceedings are held
8 upon certification of the judge. Except where the parent-child
9 relationship is terminated, the court may inquire into the ability
10 of the parents to support the minor and after giving the parents
11 a reasonable opportunity to be heard may order the parents to pay
12 in the manner and to whom the court may direct, such sums as will
13 cover in whole or in part the cost of care, examination, or treat-
14 ment of the minor. If the parents fail to pay the sum without
15 good reason, the parents may be proceeded against for contempt or
16 the court may inform the county attorney who shall proceed against
17 the parents to collect the unpaid sums or both.

1 Sec. 53. The following expenses upon certification of the
2 judge or upon such other authorization as provided by law are a
3 charge upon the county in which the proceedings are held.

4 1. The fees and mileage of witnesses and the expenses and

5 mileage of officers serving notices and subpoenas.

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

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

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

1 Sec. 54. The county charged with the cost and expenses under
2 sections fifty-two (52) and fifty-three (53) of this Act may
3 recover the costs and expenses from the county where the minor has
4 legal settlement by filing verified claims which shall be payable
5 as are other claims against the county. A detailed statement of
6 the facts upon which the claim is based shall accompany the claim.
7 Any dispute involving the legal settlement of a minor for which
8 the court has ordered payment under authority of this section shall
9 be settled in accordance with sections two hundred fifty-two point
10 twenty-two (252.22) and two hundred fifty-two point twenty-three
11 (252.23) of the Code.

1 Sec. 55. Juvenile court legal records shall include the peti-
2 tion, notice, findings, orders, decrees, judgments, and motions.
3 The legal records shall be open at all times to the inspection of
4 any minor to whom the records relate and to parents and guardian
5 of the minor or to the attorney of the minor, parents, or guardian.

1 Sec. 56. Except as provided in section fifty-five (55) of this
2 Act, none of the records of the court including legal records shall
3 be open to public inspection or their contents disclosed except by
4 order of the court. The records of juvenile probation officers
5 and of juvenile homes are records of the court for the purposes

6 of this section. The court shall maintain the confidentiality of
7 adoption files and records in accordance with the provisions of
8 law relating to adoptions.

1 Sec. 57. Peace officers' records of children except for of-
2 fenses exempted from this Act by law shall be kept separate from
3 the records of persons eighteen (18) years of age or older and
4 shall not be open to public inspection or their contents disclosed
5 to the public except by order of the court. No photograph or fin-
6 gerprints of a child taken into custody for any purpose may be
7 taken without the consent of the court. Any persons violating any
8 of the provisions of this section shall be guilty of a misdemeanor.

1 Sec. 58. All information obtained and social records prepared
2 in the discharge of official duties by an employee of the court
3 shall not be disclosed directly or indirectly to any one other
4 than the judge or others entitled under this Act to receive such
5 information unless otherwise ordered by the judge.

1 Sec. 59. The name or pictures of any child subject to the
2 jurisdiction of the court shall not be made public by any medium
3 of public information except as authorized by order of the court.

1 Sec. 60. An interested party aggrieved by any order or decree
2 of the court may appeal to the supreme court for review of ques-
3 tions of law and fact. The procedure for such appeals shall be
4 governed by the same provisions applicable to appeals from the
5 district court except when the decree or order affects the custody
6 of a minor the appeal shall be heard at the earliest practicable
7 time. The pendency of an appeal or application therefor shall
8 not suspend the order of the juvenile court regarding a minor
9 and shall not discharge the minor from the custody of the court
10 or of the person, institution, or agency to whose care the minor

11 has been committed or placed unless otherwise ordered by the
12 supreme court on application of an appellant. If the supreme
13 court does not dismiss the proceedings and discharge the minor,
14 said court shall affirm or modify the order of the juvenile court
15 and remand the minor to the jurisdiction of the court for dis-
16 position not inconsistent with the supreme court's findings on the
17 appeal.

1 Sec. 61. The juvenile court and all institutions receiving
2 children shall between the first (1st) and fifteenth (15th) day
3 of January of each year make a report to the state board of social
4 welfare. The report shall state the number of children of each
5 sex brought before the court during the past year, the number for
6 whom homes have been provided, the number sent to state institu-
7 tions, and the number in institutions.

1 Sec. 62. The court in committing a child shall place such
2 child as far as practicable in the care and custody of an indi-
3 vidual or an institution controlled by persons holding the same
4 religious belief as the parents of the child.

1 Sec. 63. Chapter two hundred forty-two (242), Code 1962, is
2 hereby amended by adding the following new section:

3 "The board of control may transfer to the schools minor wards
4 of the state from any institution under its charge but no person
5 shall be so transferred who is mentally ill or mentally retarded.
6 Any child in the schools who is mentally ill or mentally retarded
7 may be transferred by the board to the proper state institution."

1 Sec. 64. Section two hundred thirty-three point five (233.5),
2 Code 1962, is hereby amended by striking from line four (4) the
3 words "section 232.2" and inserting in lieu thereof the words
4 "subsection fourteen (14) of section three (3) of this Act".

1 Sec. 65. Section two hundred forty-two point six (242.6),
 2 Code 1962, is hereby amended by striking from line two (2) the
 3 word "ten" and inserting in lieu thereof the word "fifteen (15)".

1 Sec. 66. If any provision of this Act or the application
 2 thereof to any person shall be invalid, such invalidity shall
 3 not affect the provisions or application of this Act which can
 4 be given effect without the invalid provisions or application,
 5 and to this end the provisions of the Act are declared severable.

SENATE FILE 95

1 Amend Senate File 95 as follows:

2 1. By inserting in line 7 of section

3 28 after the word "court" the following:

4 "; except that if the hearing involves a child charged by
 5 petition with the commission of a felony, persons having a legiti-
 6 mate interest in the proceedings, including responsible representa-
 7 tives of public information media, shall not be excluded from
 8 such hearings."

9 2. By adding to section 55 the following:

10 "The identity of any child charged by petition with the commis-
 11 sion of a felony shall be furnished upon request to any person
 12 having a legitimate interest, including responsible representa-
 13 tives of public information media."

14 3. By inserting in line 3 of section 59

15 after the word "except" the following:

16 "in the case of children charged by written petition with the
 17 commission of a felony, or".

Filed and adopted
 May 7, 1965.

was not to be considered provided 5/10
adopted as amended 5/10

By LANGE.

SENATE FILE 95

1 Amend Senate File 95 as follows:

2 By inserting in section 44, line 1, after the word
 3 "person" the following:

4 "except a parent of the child or children involved."

Filed and adopted
 May 7, 1965.

By RENEER.

SENATE FILE 95

1 Amend Senate File 95 by striking from line 3

2 of Section 65 the word and figure "fifteen (15)" and inserting
 3 in lieu thereof the word and figure "twelve (12)".

Filed and adopted
 May 10, 1965.

By ELY.

SENATE FILE 95

1 Amend Senate File 95 as follows:

2 1. By striking from line 2 of section 1 the word and figure
 3 "sixty-two (62)" and inserting in lieu thereof the word and figure
 4 "sixty-three (63)".

5 2. By striking from lines 3 and 4 of section 3 the words
 6 "division of the district court" and inserting in lieu thereof
 7 the words "as established under chapter two hundred thirty-one
 8 (231) of the Code".

9 3. By striking from lines 5 and 6 of section 3 the words
 10 "division of the district court".

11 4. By inserting after section 62 the following new section:

12 "Sec. 63. Any child taken before any justice of the peace or
 13 police court charged with a public offense shall, together with
 14 the case, be at once transferred by said court to the juvenile
 15 court."

16 5. By renumbering the remaining sections in conformity with
 17 this amendment.

Filed and adopted
 May 10, 1965.

By LUCKEN.

SENATE FILE 95

1 Amend the Lange amendment filed May 7, 1965, to Senate
 2 File 95 as follows:

3 1. By striking the word "petition" in line 5 and inserting
 4 in lieu thereof the words "information or indictment".

5 2. By striking the word "petition" in line 10 and inserting
 6 in lieu thereof the words "information or indictment".

7 3. By striking the words "written petition" in line 16
 8 and inserting in lieu thereof the words "information or
 9 indictment".

SENATE FILE 95

- 1 Amend Senate File 95 as follows:
- 2 1. By striking from line two (2) of section one (1) the word
3 and figure "sixty-three (63)" and inserting in lieu thereof the } *add*
4 word and figure "sixty-two (62)". } *5/2*
5 2. By striking all of section fifty-seven (57) after the } *delete*
6 word "older" in line three (3) and inserting in lieu thereof a
7 period.
- 8 3. By striking all of section fifty-nine (59).
9 4. By renumbering the remaining sections in conformity with
10 this amendment.

Filed *withdrawn 5/25* WILSON of Black Hawk.
May 13, 1965.

SENATE FILE 95

- 1 Amend Senate File 95 as follows:
- 2 1. By striking in line sixty-one (61) of section three (3) the
3 words, "or local law or ordinance" and by inserting in lieu thereof
4 the words, "law or habitually violated local laws or ordinances".
5 2. By striking lines one (1) through seventeen (17) of section
6 four (4) and by inserting in lieu thereof the following: "Whenever
7 the court is informed that a child is in a state of neglect, depend-
8 ency, or delinquency, the court shall make a preliminary invest-
9 igation of the facts to determine whether the interests of the
10 public or of the minor require that he or she be brought under the
11 jurisdiction of the court. After the completion of the investigation
12 if the court believes, in its discretion, that the child may be neglected,
dependent,
13 or delinquent the court shall direct the county attorney or pro-
14 bation officer to file a petition with the clerk of court. If
15 the facts plead are admitted by the minor and consent is obtained
16 from the parents, or guardian of the minor, the court may make
17 whatever informed adjustment is practical without holding a formal
18 hearing. Efforts to affect informal adjustments may be continued
19 not longer than three (3) months without review by the judge".
20 3. By striking the word, "minor" in lines nineteen (19), twenty-
21 five (25), twenty-six (26), twenty-eight (28), thirty-two (32) of
22 section four (4) and by inserting in lieu thereof the word, "child".
23 4. By striking in lines four (4) and five (5) of section five
24 (5) the word, "minor" and by inserting in lieu thereof the word,
25 "child".
26 5. By striking in line three (3) and five (5) the word, "minor"
27 and by inserting in lieu thereof the word, "child".
28 6. By striking in line five (5) of section seven (7) the word,
29 "minor" and by inserting in lieu thereof the word, "child".
30 7. By striking in lines two (2), three (3) and six (6) of
31 section eight (8) the word, "minor" and by inserting in lieu thereof
32 the word, "child".
33 8. By striking in line three (3), six (6), seven (7) and eight
34 (8) of section eleven (11) the word, "minor" and by inserting in
35 lieu thereof the word, "child".
36 9. By striking in line four (4) of section twelve (12) the
37 word, "minor" and by inserting in lieu thereof the word, "child".
38 10. By striking in line one (1), three (3) and five (5) of
39 section fourteen (14) the word "minor" and by inserting in lieu
40 thereof the word, "child".
41 11. By striking in line four (4) and twelve (12) of section
42 fifteen (15) the word, "minor" and by inserting in lieu thereof the
43 word, "child".
44 12. By striking in line four (4) of section twenty-eight (28)
45 the word, "minor" and by inserting in lieu thereof the word, "child".
46 13. By striking in line one (1) of section twenty-nine (29)
47 the word, "minor" and by inserting in lieu thereof the word, "child".
48 14. By striking in line three (3), four (4), five (5), seven
49 (7), eight (8), ten (10), eleven (11) and thirteen (13) of section
50 thirty-one (31) the word, "minor" and by inserting in lieu thereof
51 the word, "child".
52 15. By striking in line one (1) of section thirty-two (32) the
53 word, "minor" and by inserting in lieu thereof the word, "child".
54 16. By striking in lines one (1), six (6), seven (7), nine (9),
55 thirteen (13), fifteen (15), nineteen (19), twenty-two (22), twenty-
56 five (25) and twenty-seven (27) in section thirty-five (35) the word,
57 "minor" and by inserting in lieu thereof the word, "child".
58 17. By striking in lines six (6), seven (7) and nine (9) of
59 section fifty-three (53) the word, "minor" and by inserting in lieu
60 thereof the word, "child".
61 18. By striking in line three (3) and seven (7) of section
62 fifty-four (54) the word, "minor" and by inserting in lieu thereof
63 the word, "child".
64 19. By striking in lines four (4) and five (5) of section
65 fifty-five (55) the word, "minor" and by inserting in lieu thereof
66 the word, "child".
67 20. By striking in line three (3) of section fifty-five (55)
68 after the word, "of" the words, "the news media, unless ordered
69 otherwise by the court, and".
70 21. By adding the following new section thereto: "The criminal
71 court shall have concurrent jurisdiction with the juvenile court
72 over children less than eighteen years of age who commit a criminal
73 offense".

Filed *div 1 - adopted 5/21* *div 20 withdrawn 5/25*
May 14, 1965. *div 20 - 21 deferred* *div 21 adopted* GAUDINEER of Polk.

SENATE FILE 95

lost 5/24

- 1 Amend Senate File 95 as follows:
- 2 1. By striking from line eight (8), section twenty-eight
- 3 (28), the words "information or indictment", and inserting
- 4 in lieu thereof the word "petition".
- 5 2. By striking from line six (6), section fifty-five (55),
- 6 the words "information or indictment", and inserting in lieu
- 7 thereof the word "petition".
- 8 3. By striking from line four (4), section fifty-nine (59),
- 9 the words "information or indictment", and inserting in lieu
- 10 thereof the words "written petition".

Filed
May 17, 1965.

WINKELMAN of Calhoun.

SENATE FILE 95

adopted 5/21
adopted 5/24

- 1 Amend Senate File 95 as follows:
- 2 1. By adding to section three (3) the following subsection:
- 3 " 'News media' means representatives of newspapers, other periodi-
- 4 cals, radio and television stations, and other agencies of mass
- 5 communication."
- 6 2. Amend section twenty-eight (28) by striking from line six
- 7 (6) the word "only" and inserting in lieu thereof the following:
- 8 "the news media, except in those cases which in the opinion
- 9 of the court the best interest of the child and the public are
- 10 served by a private hearing. The court shall also admit".

Filed
May 20, 1965.

motion to be considered 5/25
motion tabled 5/25

GAUDINEER of Polk.

SENATE FILE 95

- 1 Amend the Wilson amendment to Senate File 95 filed May 13, 1965,
- 2 by striking lines six (6) and seven (7) and inserting in lieu
- 3 thereof the following:
- 4 "word 'older' in line three (3) and inserting in lieu thereof
- 5 the words ' Such records shall be available to the news media.' "

Filed
May 20, 1965.

adopted 5/2 *withdrawn 5/25*

WILSON of Black Hawk.

SENATE FILE 95

withdrawn 5/24
adopted 5/25
adopted 5/25
adopted 5/25

- 1 1. Amend section 28 by striking the words "The court"
- 2 at the end of line 4, and by striking all of lines 5, 6, 7,
- 3 8, 9, 10, 11, and inserting in lieu thereof the word "The".
- 4 2. Amend section 55 by striking all of section 55 and
- 5 inserting in lieu thereof the following:
- 6 "The legal record of the juvenile court shall be a
- 7 public record, and shall include the petition, information
- 8 or indictment, notices, findings, orders, decrees, judgments
- 9 and motions.
- 10 3. Amend section 56 by striking all of section 56 and
- 11 inserting in lieu thereof the following:
- 12 "The proceedings concerning delinquency petitions
- 13 filed by parents and petitions concerning neglected children;
- 14 the reports of juvenile court probation officers; and the
- 15 reports on juvenile homes shall not be public records, but
- 16 the court may make them public in its discretion."
- 17 4. Amend section 57 by striking from line 3 the word
- 18 "and" and all the remaining portion of said section, and
- 19 inserting in lieu thereof the following:
- 20 ". These records shall be public records."
- 21 5. Amend section 59 by striking all of said section.
- 22 6. Renumber the sections in accordance with this
- 23 amendment.

Filed
May 20, 1965.

ROBINSON of Audubon-Guthrie.

SENATE FILE 95

- 1 Amend Senate File 95 as follows:
- 2 1. Strike line six (6) in section twenty three (23);
- 3 strike the word "mills" in line seven (7) and insert in
- 4 lieu thereof the words: "may make expenditures from the
- 5 county general fund".

Filed
May 21, 1965.

withdrawn 5/25

BARINGER of Fayette.

SENATE FILE 95

- 1 Amend Senate File 95 by striking from lines six (6) and
- 2 seven (7) of section twenty-three (23) the words and figure
- 3 "two (2) mills" and insert in lieu thereof "one-half ($\frac{1}{2}$) mill".

Filed
May 21, 1965.

adopted 5/25

MILLER of Page.

SENATE FILE 95

- 1 Amend Senate File 95, section twenty-seven (27), by striking
- 2 in line one (1) the word "shall" and inserting in lieu thereof
- 3 the word "may".

Filed and adopted
May 21, 1965.

DOYLE of Woodbury.

SENATE FILE 95

- 1 Amend Senate File 95 as follows:
- 2 1. By striking the word "line" from line two (2) of section
- 3 sixty-five (65) and inserting in lieu thereof the following:
- 4 "lines three (3) and".

Filed
May 21, 1965.

adopted 5/25

BARINGER of Fayette.

SENATE FILE 95

- 1 Amend the Robinson of Audubon-Guthrie amendment to Senate File
- 2 95 filed May 20, 1965, by inserting in line thirteen (13) after the
- 3 word "neglected" the words "or dependent".

Filed
May 24, 1965.

adopted 5/25

GAUDINEER of Polk.

SENATE FILE 95

- 1 Amend Senate File 95 by striking all of section twenty-two (22),
- 2 twenty-three (23), twenty-four (24), twenty-five (25), twenty-six
- 3 (26), and twenty-seven (27).

Filed
May 24, 1965.

withdrawn 5/25

SMITH of O'Brien.

SENATE FILE 95

- 1 Amend the Robinson of Audubon-Guthrie amendment to Senate File
- 2 95 filed on May 20, 1965, by striking in line eight (8) the word
- 3 "findings," and by striking in line nine (9) the words "and
- 4 motions".

Filed and adopted
May 24, 1965.

GAUDINEER of Polk.