

February 9, 1967

Passed on File

*Indefinitely 2-13, Passed as amended 2-28
" 5-10, Passed 5-12*

Senate File 200

By O'MALLEY, ELY, DENMAN,
CASSIDY, COLEMAN, CONDON,
MURRAY, WALSH, KOSEK and
RILEY
(Lipsky, Mensing, Breitbach,
Renda, Johnston, Reed,
Gannon, Thordsen and Sorg)

Passed Senate, Date 5-5-67 Passed House, Date 5-23-67
Vote: Ayes 52 Nays 0 Vote: Ayes 98 Nays 0

*Passed
by Senate
as amended
by House
5-26-67
36-1*

Approved June 12, 1967

A BILL FOR

An Act relating to court procedures, services, and personnel involving dependent, neglected, and delinquent children.

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

1 Section 1. Section two hundred thirty-two point two
2 (232.2), Code 1966, is hereby amended as follows:
3 1. By striking from line seven (7) of subsection nine
4 (9) of such section the word "ordinary" and inserting in
5 lieu thereof the word "necessary".

6 2. By striking from lines one (1) and two (2) of sub-
7 section thirteen (13), paragraph a, of such section the
8 words "habitually violated".

1 Sec. 2. Section two hundred thirty-two point three
2 (232.3), Code 1966, is hereby amended as follows:

3 1. By striking lines one (1) through twelve (12) and
4 inserting in lieu thereof the following:

5 "Whenever the court or any of its officers are informed
6 by any competent person that a minor is within the purview
7 of this chapter, an inquiry shall be made of the facts
8 presented which bring the minor under this chapter to de-
9 termine whether the interests of the public or of the minor
10 require that further action be taken. After such an inquiry

11 the judge, probation officer, or county attorney may authorize
12 the filing of a petition with the clerk of the court by any
13 informed person without payment of a filing fee. If the".

14 2. By striking from line sixteen (16) the word "informed"
15 and inserting in lieu thereof the word "informal".

1 Sec. 3. Section two hundred thirty-two point eight (232.8),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "an attested"
4 and inserting in lieu thereof the word "a".

5 2. By adding thereto the following:

6 "All notices of subsequent proceedings, after an initial
7 valid notice or summons has been made, shall be made in such
8 manner and under such provisions as shall be prescribed by
9 the court."

1 Sec. 4. Section two hundred thirty-two point twenty-seven
2 (232.27), Code 1966, is hereby amended by striking all of
3 such section after the word "court" in line fifteen (15) and
4 inserting in lieu thereof the following:

5 ". The court may require the presence of witnesses deemed
6 necessary to the disposition of the petition."

1 Sec. 5. Section two hundred thirty-two point twenty-eight
2 (232.28), Code 1966, is hereby amended by inserting in line
3 two (2) after the word "to" the word "legal".

1 Sec. 6. Section two hundred thirty-two point thirty-one
2 (232.31), Code 1966, is hereby amended by adding thereto the
3 following new paragraph:

4 "The court's finding with respect to neglect, dependency,
5 and delinquency shall be based upon a preponderance of evi-
6 dence under the rules applicable to the trial of civil cases,
7 provided that relevant and material information of any
8 nature including that contained in reports, studies, or
9 examinations may be admitted and relied upon to the extent
10 of its probative value. When information contained in a report,
11 study, or examination is admitted in evidence, the person
12 making such a report, study, or examination shall be subject

3 to both direct and cross examination when reasonably avail-
4 able."

1 Sec. 7. Section two hundred thirty-two point thirty-two
2 (232.32), Code 1966, is hereby amended by adding thereto the
3 following:

4 "The juvenile shall not be considered as competent to make
5 such waiver. However if the juvenile is represented by an
6 attorney or guardian ad litem, the waiver may be made by
7 the attorney or guardian. If the juvenile is not so repre-
8 sented, the waiver may be made by either of the parents or
9 by the guardian of his person."

1 Sec. 8. Section two hundred thirty-two point thirty-three
2 (232.33), Code 1966, is hereby amended as follows:

3 1. By inserting in line three (3) of subsection five
4 (5) of such section after the word "institution" the words
5 "or hospital".

6 2. By striking striking from lines five (5) and six (6)
7 of subsection five (5) of such section the words "under the
8 jurisdiction of the state board of control" and inserting
9 in lieu thereof the words "named in subsection four (4) of
10 this section and section two hundred thirty-two point
11 thirty-four (232.34), subsection four (4), of the Code".

1 Sec. 9. Section two hundred thirty-two point thirty-
2 four (232.34), Code 1966, is hereby amended as follows:

3 1. By inserting in line three (3) of subsection five (5)
4 of such section after the word "institution" the words "or
5 hospital".

6 2. By striking from lines four (4) and five (5) of subsec-
7 tion five (5) of such section the words "under the jurisdiction
8 of the state board of control" and inserting in lieu thereof
9 the words "named in subsection four (4) of this section and
10 section two hundred thirty-two point thirty-three (232.33),
11 subsection four (4), of the Code".

1 Sec. 10. Section two hundred thirty-two point forty-three
2 (232.43), Code 1966, is hereby amended by striking from lines

3 one (1) and two (2) the words ", except a parent of the child
4 or children involved,".

1 Sec. 11. Section two hundred thirty-two point fifty-two
2 (232.52), Code 1966, is hereby amended by adding thereto the
3 following new subsection:

4 "The expense of treatment or care ordered by the court under
5 authority of subsection six (6) of section two hundred thirty-
6 two point thirty-three (232.33) or subsection six (6) of
7 section two hundred thirty-two point thirty-four (232.34) of
8 the Code."

1 Sec. 12. Section two hundred thirty-two point fifty-five
2 (232.55), Code 1966, is hereby amended as follows:

3 1. By inserting in line four (4) after the word "officers"
4 the words ", social workers, doctors, and psychologists".

5 2. By striking from line five (5) the word "on" and
6 inserting in lieu thereof the word "of".

1 Sec. 13. Sections two hundred thirty-two point sixty-one
2 (232.61) and two hundred thirty-two point sixty-two (232.62),
3 Code 1966, are hereby repealed.

1 Sec. 14. Chapter two hundred thirty-two (232), Code 1966,
2 is hereby amended by adding thereto sections fifteen (15)
3 through twenty-five (25) of this Act.

1 Sec. 15. The juvenile court shall have exclusive original
2 jurisdiction in proceedings concerning any child alleged to
3 be delinquent, neglected, or dependent, and in proceedings for
4 termination of parental rights under sections two hundred
5 thirty-two point forty-one (232.41) through two hundred thirty-
6 two point fifty (232.50) of the Code, and in proceedings con-
7 cerning any minor alleged to have been a delinquent prior to
8 having become eighteen (18) years of age except as otherwise
9 provided by law.

1 Sec. 16. Except where the juvenile court has referred an
2 alleged violation to a prosecuting authority in accordance
3 with the provisions of section twenty-four (24) of this Act,
4 all juveniles appearing in any court other than the juvenile

5 court and charged with a public offense not exempted by law and
6 who are under eighteen (18) years of age or who were under
7 eighteen (18) years of age at the time of the commission of
8 the alleged offense shall immediately be transferred to the
9 juvenile court of the county.

1 Sec. 17. Transfer of cases under section sixteen (16) of
2 this Act shall be made by filing with the clerk of the juvenile
3 court a certificate or order of the transferring court showing
4 the name, age, and residence of the minor, the names and addresses
5 of the parents or guardian, if known, and the reasons for ap-
6 pearance of the minor in court, together with all the papers,
7 documents, and testimony connected therewith. The case shall
8 then be processed the same as all cases where the court has
9 been informed that a child may be within the purview of this
10 chapter.

1 Sec. 18. The jurisdiction of the juvenile court shall
2 attach immediately upon the signing of the certificate or order
3 of transfer and from the time of transfer any custody or
4 detention of the minor shall be in accordance with this chap-
5 ter.

1 Sec. 19. Jurisdiction obtained by the court in the case
2 of a minor shall be retained by the court until the minor
3 becomes twenty-one (21) years of age unless terminated prior
4 thereto by order of court or provision of law. When a minor
5 eighteen (18) years of age or over under the jurisdiction of
6 the court is convicted of an indictable offense in a
7 criminal court, the conviction shall terminate the juris-
8 diction of the juvenile court.

1 Sec. 20. Venue for neglect, dependency, and delinquent
2 proceedings shall be in the county where the minor is found
3 or in the county of the minor's residence. If a minor is
4 alleged to be delinquent, the county where the alleged de-
5 linquency occurred shall also have venue.

1 Sec. 21. The judge may transfer any proceedings brought
2 under this Act to the court of any county having venue at any

3 stage of the proceedings and in the following manner:

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

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

11 3. With the consent of the receiving court, the court may
12 transfer the case to the county where the alleged delinquency
13 occurred if an alleged delinquency is based on the commission
14 of a public offense.

1 Sec. 22. The court shall transfer the case by ordering the
2 transfer and a continuance and by forwarding to the clerk of
3 the receiving court a certified copy of all papers filed to-
4 gether with an order of transfer. The judge of the receiving
5 court may accept the filings of the transferring court or may
6 direct the filing of a new petition and hear the case anew.

1 Sec. 23. If it appears at any stage of the proceedings that
2 a minor before the court is a resident of another state, the
3 court may invoke the provisions of the interstate compact on
4 juveniles or, when in the best interests of the minor, the
5 court may place the minor in the custody of the parents,
6 guardian, or custodian, if the parents, guardian, or custodian
7 agree to accept custody of the minor and to return the minor
8 to the other state.

1 Sec. 24. When a petition alleging delinquency is based on
2 an alleged act committed after the minor's fourteenth (14th)
3 birthday, and the court, after a hearing, deems it contrary to
4 the best interest of the minor or the public to retain juris-
5 diction, the court may enter an order making such findings and
6 referring the alleged violation to the appropriate prosecuting
7 authority for proper action under the criminal law. When such
8 child pleads guilty or is found guilty of a public offense in
9 another court that court may with the consent of the juvenile

10 court refer the child back to juvenile court for further
11 disposition. In any event the court before whom the plea was
12 made or the conviction was had is expressly authorized to set
13 aside such plea or conviction. The action of setting aside
14 said plea or conviction shall render such plea or conviction
15 void.

1 Sec. 25. When a petition has been filed in the juvenile
2 court, a minor shall not thereafter be subject to a criminal
3 prosecution based on the facts giving rise to the petition
4 except as provided in section twenty-four (24) of this Act.

1 Sec. 26. Section two hundred thirty-one point eight
2 (231.8), Code 1966, is hereby amended by inserting after line
3 twenty-nine (29) the following paragraph:

4 "All probation officers so appointed shall serve at the
5 pleasure of the juvenile court judge or judges and shall be
6 selected and appointed in accordance with such rules,
7 standards, and qualifications as shall be established by the
8 supreme court pursuant to section six hundred eighty-four
9 point twenty-one (684.21) of the Code. The provision of this
10 section of this Act shall not affect in any way the appointment
11 or term of office of any probation officer presently serving
12 in any county or counties."

1 Amend Senate File 200 as follows:
2 1. By striking section four (4) and by renumbering the remain-
3 ing sections
4 thereof.
5 2. By striking in line five (5) of section six (6) the words,
6 "a prepon-
7 derance of" and by inserting in lieu thereof the words, "clear and
8 convincing".
9 3. By striking in lines two (2) and three (3) in section thir-
10 teen (13)
11 thereof the words, "and two hundred thirty-two point sixty-two
12 (232.62) Code
13 1966, are" and by inserting in lieu thereof the words, "Code 1966,
14 is".
15 4. Section fifteen (15) is hereby amended by inserting in line
16 two (2)
17 after the word "jurisdiction" the word, ", only,".
18 5. By striking all of lines one (1) through three (3) and the
19 word, "all"
20 in line four (4) of section sixteen (16) and by inserting in
21 lieu thereof the
22 word, "All".
23 6. By inserting in line thirteen (13) of section twenty-four
24 (24) after the
25 word, "conviction" the words, "but only after the child has success-
26 fully com-
27 pleted a period of probation of not less than one (1) year".
28 7. By striking all of section twenty-five (25) and by insert-
29 ing in lieu
30 thereof the following:
31 "A child referred to Juvenile Court pursuant to section fifteen
32 (15) of
33 this Act, may also be transferred to Criminal Court and tried as
34 an adult by
35 the filing of a county attorney's information or grand jury in-
36 dictment charging
37 the child with an indictable offense. A child may also be trans-
38 ferred to the
39 appropriate criminal court by the filing of an information by the
40 county at-
41 torney charging the child with a non-indictable offense. No such
42 county at-
43 torney's information, grand jury indictment, or information shall
44 be filed or
45 be valid to effect such a transfer after there has been an adjudica-
46 tion of
47 delinquency in Juvenile Court."

Filed - adopted as amended 5-5-67
February 28, 1967

By JUDICIARY COMMITTEE

1 Amend the judiciary committee amendment to Senate File 200,
2 filed February 28, 1967, as follows:
3 1. By striking from lines nineteen (19) and twenty-seven
4 (27) the words "Juvenile Court" and by inserting in lieu
5 thereof the words "juvenile court".
6 2. By striking from line twenty (20) the words "Criminal
7 Court" and by inserting in lieu thereof the words "criminal
8 court".
9 3. By striking from line twenty-six (26) the word "effect"
10 and by inserting in lieu thereof the word "affect".

Filed - *Adopted 5-5-67*
March 29, 1967

By O'MALLEY

1 Amend the judiciary committee amendment to Senate File 200,
2 filed February 28, 1967, by striking all beginning with the
3 word "A" in line twenty-two (22) down to and including the
4 word "offense." in line twenty-four (24).

Filed - *Adopted 5-5-67*
April 27, 1967

By O'MALLEY

1 Amend the judiciary committee amendment to Senate File 200,
2 filed February 28, 1967, by striking all of lines six (6)
3 through eight (8) inclusive.

Filed - *Withdrawn 5-5-67*
April 27, 1967

By O'MALLEY

1 Amend Senate File 200 by adding the following new section:
2 Section 27. Section two hundred thirty-two point
3 fifty-one (232.51), Code 1966, is hereby amended by
4 adding thereto the following:
5 "Any such sums ordered by the court shall be a
6 judgment against each of the parents and a lien as
7 provided in section six hundred twenty-four point twenty-
8 three (624.23) of the Code. If juvenile court jurisdiction
9 has been lodged in the municipal court, all such orders
10 and judgments made by that court shall be transferred by
11 the clerk thereof to the district court as provided in
12 section six hundred two point forty-three (602.43) of
13 the Code. If all or any part of the sums that the parents
14 are ordered to pay, is subsequently paid by the county,
15 the judgment and lien shall thereafter be against each of
16 the parents in favor of the county to the extent of such
17 payments."

Filed - *Adopted 5-22-67*
May 23, 1967

RENDA of Polk.

HOUSE

1 Amend Senate File 200 as follows:
2 1. Section 13, by striking from lines two (2) and
3 three (3) the words and figures "fifteen (15) through
4 twenty-five (25)" and inserting the words and figures
5 "fourteen (14) through twenty-four (24)".
6 2. Section 16, by striking from line one (1) the
7 word and figures "sixteen (16)" and inserting in lieu
8 thereof "fifteen (15)".

Filed - *April 5-23-67* Senate concurred 5-26
May 12, 1967

KLUEVER of Cass.