

MAR 18 1983

SENATE FILE 478

BY COMMITTEE ON JUDICIARY
Approved 3/18
(FORMERLY SSB 197)
Substituted for H.F. 612 4/8/83

Passed Senate, Date 4-5-83 (p. 1093) Passed House, Date 4-8-83 (p. 1144)
Vote: Ayes 46 Nays 0 Vote: Ayes 60 Nays 35
Approved April 22, 1983 (p. 1395)

A BILL FOR

1 An Act relating to the jurisdiction of the juvenile court,
2 providing expanded authority to juvenile court referees,
3 and allowing the juvenile court to estop parties before
4 it from litigating concurrently issues of custody,
5 guardianship, or placement of a child within the
6 juvenile court's jurisdiction.

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

SENATE FILE 478

S-3289

- 1 Amend Senate File 478 as follows:
- 2 1. Page 2, by striking line 12 and inserting in
- 3 lieu thereof the following: "chapter 598, 598A, or
- 4 633."

S-3289 FILED
MARCH 22, 1983

BY DOUG RITSEMA

Adopted 4/5/83 (p. 1092)

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1 Section 1. Section 231.3, Code 1983, is amended by striking
2 the section and inserting in lieu thereof the following:

3 231.3 DESIGNATION OF JUVENILE COURT JUDGE AND APPOINT-
4 MENT OF REFEREE.

5 1. The chief judge of a judicial district shall desig-
6 nate one or more of the district judges and district asso-
7 ciate judges to act as judges of the juvenile court for a
8 county. The chief judge may designate a juvenile court judge
9 to preside in more than one county.

10 2. The judge of the juvenile court may appoint and may
11 remove a juvenile court referee. The referee shall be an
12 attorney admitted to practice law in this state, and shall
13 be qualified for duties by training and experience. The
14 compensation of the referee shall be set by the appointing
15 judge.

16 3. The referee shall have the same jurisdiction to con-
17 duct juvenile court proceedings and to issue orders, findings,
18 and decisions as the judge of the juvenile court, except that
19 the referee shall not issue warrants. However, the appointing
20 judge may limit the referee's exercise of juvenile court
21 jurisdiction.

22 4. The parties to a proceeding heard by the referee are
23 entitled to a review by the judge of the juvenile court of
24 the referee's order, finding, or decision, if the review is
25 requested within ten days after the entry of the referee's
26 order, finding, or decision. A request for review does not
27 automatically stay the referee's order, finding, or decision.
28 The review is on the record only, unless the judge, upon
29 request or upon the judge's own motion, orders otherwise.
30 In the interests of justice, the judge may allow a rehearing
31 at any time.

32 5. In a county with a population of more than two hundred
33 fifty thousand, the judge of the juvenile court may appoint
34 and may remove a director of juvenile court services and shall
35 set the director's compensation.

1 of the entry of the action. A request for review does not
2 automatically stay a referee's action. A rehearing may be
3 held at the judge's discretion, in the interests of justice.

4 The bill also expands the juvenile court's power to estop
5 parties currently before it from litigating in another court
6 the custody, guardianship, or placement of a child subject
7 to the juvenile court's jurisdiction. The juvenile court,
8 however, may authorize a party before it to litigate
9 concurrently in another court a specific issue relating to
10 the custody, guardianship, or placement of the child.

11 The bill creates a new section 232.3.

12 The bill would become law July 1 following enactment.

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SENATE FILE 478

AN ACT

RELATING TO THE JURISDICTION OF THE JUVENILE COURT, PROVIDING EXPANDED AUTHORITY TO JUVENILE COURT REFEREES, AND ALLOWING THE JUVENILE COURT TO ESTOP PARTIES BEFORE IT FROM LITIGATING CONCURRENTLY ISSUES OF CUSTODY, GUARDIANSHIP, OR PLACEMENT OF A CHILD WITHIN THE JUVENILE COURT'S JURISDICTION.

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

Section 1. Section 231.3, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

231.3 DESIGNATION OF JUVENILE COURT JUDGE AND APPOINTMENT OF REFEREE.

1. The chief judge of a judicial district shall designate one or more of the district judges and district associate judges to act as judges of the juvenile court for a county. The chief judge may designate a juvenile court judge to preside in more than one county.
2. The judge of the juvenile court may appoint and may remove a juvenile court referee. The referee shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience. The compensation of the referee shall be set by the appointing judge.
3. The referee shall have the same jurisdiction to conduct juvenile court proceedings and to issue orders, findings, and decisions as the judge of the juvenile court, except that the referee shall not issue warrants. However, the appointing judge may limit the referee's exercise of juvenile court jurisdiction.
4. The parties to a proceeding heard by the referee are entitled to a review by the judge of the juvenile court of

the referee's order, finding, or decision, if the review is requested within ten days after the entry of the referee's order, finding, or decision. A request for review does not automatically stay the referee's order, finding, or decision. The review is on the record only, unless the judge, upon request or upon the judge's own motion, orders otherwise. In the interests of justice, the judge may allow a rehearing at any time.

5. In a county with a population of more than two hundred fifty thousand, the judge of the juvenile court may appoint and may remove a director of juvenile court services and shall set the director's compensation.

Sec. 2. NEW SECTION. 232.3 CONCURRENT COURT PROCEEDINGS.

1. During the pendency of an action under this chapter, a party to the action is estopped from litigating concurrently the custody, guardianship, or placement of a child who is the subject of the action, in a court other than the juvenile court. A district judge, district associate judge, magistrate, or judicial hospitalization referee, upon notice of the pendency of an action under this chapter, shall not issue an order, finding, or decision relating to the custody, guardianship, or placement of the child who is the subject of the action, under any law, including but not limited to chapter 598, 598A, or 633.
2. The juvenile court with jurisdiction of the pending action under this chapter, however, may, upon the request of a party to the action or on its own motion, authorize the party to litigate concurrently in another court a specific issue relating to the custody, guardianship, or placement of the child who is the subject of the action. Before authorizing a party to litigate a specific issue in another court, the juvenile court shall give all parties to the action an opportunity to be heard on the proposed authorization. The juvenile court may request but shall not require another court to exercise jurisdiction and adjudicate a specific issue

relating to the custody, guardianship, or placement of the child.

Sec. 3. Sections 232.63 and 232.124, Code 1983, are repealed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 478, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 22, 1983

TERRY E. BRANSTAD
Governor