

House Judiciary 3/27/85

To Brian 4/11/85

SENATE FILE 467

BY COMMITTEE ON JUDICIARY

FORMERLY SSB 279 *Approved (p. 242)*

FILED MAR 18 1985

Passed Senate, Date 3-23-85 (p. 980) Passed House, Date 4-16-85 (p. 1626)

Vote: Ayes 44 Nays 0 Vote: Ayes 93 Nays 1

Approved May 8, 1985

A BILL FOR

1 An Act relating to the predisposition investigation and
2 report in a juvenile delinquency proceeding.

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

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87 467

1 Section 1. Section 232.48, Code 1985, is amended to read
2 as follows:

3 232.48 PREDISPOSITION INVESTIGATION AND REPORT.

4 1. The court shall not make a disposition of the matter
5 following the entry of an order of adjudication pursuant to
6 section 232.47 until a predisposition report has been
7 submitted to and considered by the court.

8 2. After a petition is filed, the court may shall
9 direct a juvenile court officer or any other agency or
10 individual to conduct a predisposition investigation and to
11 prepare a predisposition report. The investigation and report
12 shall cover all of the following:

13 a. The social history, environment and present condition
14 of the child and the child's family.

15 b. The performance of the child in school.

16 c. The presence of child abuse and neglect histories,
17 learning disabilities, physical impairments and past acts of
18 violence.

19 d. Other matters relevant to the child's status as a
20 delinquent, treatment of the child or proper disposition of
21 the case.

22 ~~2 3. A predisposition investigation shall not be conducted~~
23 ~~prior to the adjudication of the child without the consent of~~
24 ~~the child and the child's counsel. No predisposition report~~
25 shall be submitted to or considered by the court prior to the
26 completion of the adjudicatory hearing without the consent of
27 the child and the child's counsel.

28 3 4. A predisposition report shall not be disclosed except
29 as provided in this section and in division VIII IX of this
30 chapter. ~~Prior to the dispositional hearing, the~~ The court
31 shall permit the child's attorney to inspect any the
32 predisposition report ~~to be considered~~ prior to consideration
33 by the court ~~in making a disposition.~~ The court may ~~in its~~
34 ~~discretion~~ order counsel not to disclose parts of the report
35 to the child, or to the child's parent, guardian, guardian ad

1 item, or custodian if the court finds that disclosure would
2 seriously harm the treatment or rehabilitation of the child.

3 EXPLANATION

4 This bill revises provisions governing the predisposition
5 investigation and report in a juvenile delinquency proceeding.
6 It permits the investigation to begin after the filing of the
7 petition and provides that the report may be considered by the
8 court prior to the completion of the adjudicatory hearing with
9 the consent of the child or the child's counsel. It also
10 lists specific matters to be covered by the investigation and
11 report.

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SSB 279
Judiciary

JUDICIARY: Doyle, Chair: Mann and Holt

New
SF 467

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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SENATE FILE 467

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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 467, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 8, 1985

TERRY E. BRANSTAD
Governor