

House Jud. & Law 2-20-89 (p. 511)
DO PASS 2-23-89 (p. 554)

FILED FEB 07 1989

SENATE FILE 155
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 28)

Passed Senate, Date 2-14-89 (p. 388) Passed House, Date 4-10-89 (p. 415)
Vote: Ayes 47 Nays 0 Vote: Ayes 88 Nays 3
Approved 52-89 (p. 1850)

A BILL FOR

3271-1 An Act relating to the availability of counseling services to
2 children who are members of a household where an incident
33103 involving domestic abuse has occurred.

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

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SF 155

3310, 3271

1 Section 1. Section 236.5, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The court may order that the plaintiff, and the
4 defendant, and the children who are members of the household
5 receive professional counseling, either from a private source
6 approved by the court or from a source appointed by the court.
7 Costs of counseling shall be paid in full or in part by the
8 parties and taxed as court costs. If the court determines
9 that the parties are unable to pay the costs, they may be paid
10 in full or in part from the county treasury.

3310

11 Sec. 2. Section 236.12, subsection 1, paragraph c,
12 subparagraph (4), Code 1989, is amended to read as follows:

13 (4) Professional counseling for you, the children who are
14 members of the household, and the defendant.

3310, 3271

15 EXPLANATION

16 This bill provides that a court may order a child, who is a
17 member of a household where an incident involving domestic
18 abuse has occurred, to receive professional counseling, even
19 if the child was not directly the victim of the domestic
20 abuse. The court is authorized to order that these services
21 be provided to the child to the same extent that the court can
22 order that the plaintiff and the defendant to an action
23 involving an incident of domestic abuse receive professional
24 counseling.

25 The bill may include a state mandate as defined in chapter
26 25B.

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SENATE FILE 155

H-3271

Amend Senate File 155 as passed by the Senate as follows:

1. Page 1, by inserting before line 1, the following:

"Sec. ____ . Section 232.22, subsection 2, paragraph c, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, or aggravated misdemeanor under section 708.2 or 709.11, a serious or aggravated misdemeanor under section 321J.2, an act of domestic abuse as defined in section 236.2, or a violation of section 123.46, and if all of the following apply:"

2. Page 1, by inserting after line 14 the following:

"Sec. ____ . Section 236.12, subsection 3, Code 1989, is amended to read as follows:

3. A peace officer is not civilly or criminally liable for actions pursuant to this section taken in furtherance of the policy of this chapter and taken in good faith. Failure to provide equal protection for an individual under this chapter shall be a basis for liability against the peace officer.

Sec. ____ . NEW SECTION. 236.19 RULES FOR PEACE OFFICER BEHAVIOR.

The department of public safety shall develop guidelines for peace officers concerning the enforcement of this chapter. The guidelines shall be made available and distributed to all local law enforcement agencies by the department."

3. Title page, line 3, by inserting after the word "occurred" the following: "providing for the detention of juveniles who commit an act of domestic abuse, and relating to the enforcement of the domestic abuse law".

4. Renumber as necessary.

By BRAMMER of Linn

H-3271 FILED MARCH 1, 1989

Withdrawn 4-10-89 (p. 144)

SENATE FILE 155

H-3321

1 Amend amendment, H-3310, to Senate File 155 as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting after line 18, the
4 following:
5 "Sec. ____ . Section 236.16, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. The department shall
8 coordinate the efforts and enlist the assistance of
9 all public and private agencies which provide services
10 to victims of domestic abuse in order to develop
11 sensitivity training courses to be offered to judges
12 and magistrates pursuant to section 602.1206."
13 2. By renumbering as necessary.

By SVOBODA of Tama

H-3321 FILED MARCH 9, 1989

Out of Order 4-10-89 (p1414)

SENATE FILE 155

H-3659

1 Amend amendment, H-3310, to Senate File 155 as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting after line 18, the
4 following:
5 "Sec. ____ . Section 236.16, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. The department shall
8 coordinate the efforts and enlist the assistance of
9 all public and private agencies which provide services
10 to victims of domestic abuse in order to develop
11 sensitivity training courses which shall be offered to
12 judges and magistrates pursuant to section 602.1206."
13 2. By renumbering as necessary.

By SVOBODA of Tama

H-3659 FILED MARCH 28, 1989

Out of Order 4-10-89 (p1414)

SENATE FILE 155

H-3310

1 Amend Senate File 155 as passed by the Senate as
follows:

2 1. Page 1, by inserting before line 1, the
4 following:

5 "Sec. ____ . Section 232.22, subsection 2, paragraph
6 c, unnumbered paragraph 1, Code 1989, is amended to
7 read as follows:

8 A room in a facility intended or used for the
9 detention of adults if there is probable cause to
10 believe that the child has committed a delinquent act
11 which if committed by an adult would be a felony, or
12 aggravated misdemeanor under section 708.2 or 709.11,
13 a serious or aggravated misdemeanor under section
14 321J.2, an act of domestic abuse as defined in section
15 236.2, or a violation of section 123.46, and if all of
16 the following apply:"

17 2. Page 1, by inserting after line 14 the
18 following:

19 "Sec. ____ . NEW SECTION. 236.19 LAW ENFORCEMENT
20 PROCEDURES AND TRAINING.

21 1. The department of public safety shall develop a
22 policies and procedures manual for peace officers
23 concerning the enforcement of this chapter. The
24 manual shall be made available and distributed to all
25 local law enforcement agencies by the department. The
26 manual shall include, but not be limited to,
information concerning the following:

27 a. The procedures and responsibilities set forth
29 in this chapter relating to verification of, response
30 to, and enforcement of a court order or court-approved
31 consent agreement entered under this chapter, a
32 temporary or permanent protective order or order to
33 vacate the homestead under chapter 598, or any order
34 that establishes conditions of release or is a
35 protective order or sentencing order in a criminal
36 prosecution arising from a domestic abuse assault,
37 including an emphasis on the mandatory arrest
38 provision of section 236.11.

39 b. The legal duties imposed on a peace officer to
40 offer protection and assistance, including guidelines
41 for making arrests.

42 c. Techniques for handling domestic violence
43 incidents that minimize the likelihood of injury to
44 the peace officer and that promote the safety of the
45 victim.

46 d. The nature and extent of domestic violence.

47 e. The legal rights and the remedies available to
48 victims of domestic violence.

49 f. The impact of law enforcement intervention on
50 children in domestic violence situations.

H-3310

Page 2

- 1 g. The services and facilities available to
 2 victims of abuse, including the victim's compensation
 program, emergency shelters, and legal advocacy
 programs.
 5 2. The Iowa law enforcement academy shall
 6 implement a course or courses of instruction for the
 7 training of peace officers in the handling of domestic
 8 violence complaints and situations. The course or
 9 courses of instruction shall include those topics
 10 contained in the department of public safety's policy
 11 and procedure manual and shall stress enforcement of
 12 criminal laws in domestic violence situations,
 13 availability of civil remedies and community
 14 resources, and protection of the victim. The course
 15 or courses of instruction shall include at least eight
 16 hours of instruction.
 17 3. The prosecuting attorneys training coordination
 18 council shall develop a procedures manual for
 19 distribution to prosecuting attorneys concerning the
 20 enforcement and prosecution of individuals charged
 21 with committing an act of domestic abuse, or who are
 22 in violation of any order or court-approved consent
 23 agreement entered under this chapter."
 24 3. Title page, line 3, by inserting after the
 25 word "occurred" the following: "providing for the
 26 detention of juveniles who commit an act of domestic
 27 abuse, providing for training of peace officers, and
 relating to the enforcement of the domestic abuse
 law".
 30 4. Renumber as necessary.

H-3310 FILED MARCH 8, 1989
 3310A Not Germane 4-10-89 (p.1414) withdraw amend 3310B - 3310C auto
 order
 4-10-89 (p.1414)

SENATE FILE 155

H-3316

- 1 Amend Senate File 155 as passed by the Senate as
 2 follows:
 3 1. Page 1, line 10, by striking the words "county
 4 treasury" and inserting the following: "county
 5 treasury victim reparation fund".

By BRAMMER of Linn

H-3316 FILED MARCH 8, 1989

withdrawn 4-10-89 (p.1414)

SENATE FILE 155
FISCAL NOTE

A fiscal note for **SENATE FILE 155** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 155 provides that a court may order a child, who is a member of a household where an incident involving domestic abuse has occurred, to receive professional counseling.

Assumptions:

1. Cost of professional counseling for children living in household where an incident of domestic abuse has taken place is to be paid by the parties and taxed as court costs.
2. In the event the court determines the parties are unable to pay the costs, they will be paid by the appropriate county.

Fiscal Effect:

This bill has no fiscal effect upon the General Fund, however there may be some impact on county expenditures in the event the parties are unable to pay the costs.

Source: Judicial Department

(LSB 1245sv, VYW)

FILED MARCH 2, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

VARN, CH.
GENTLEMAN
ERONSTAL

SSB 28
JUDICIARY

SENATE FILE 155
BY (PROPOSED JUDICIAL
DEPARTMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the availability of counseling services to
2 children who are members of a household where an incident
3 involving domestic abuse has occurred.

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15 EXPLANATION

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22 order that the plaintiff and the defendant to an action
23 involving an incident of domestic abuse receive professional
24 counseling.

25 The bill may include a state mandate as defined in chapter
26 25B.

27 BACKGROUND STATEMENT
28 SUBMITTED BY THE AGENCY

29 Many children who come within the jurisdiction of the
30 juvenile court are from abusive homes. Though they are not
31 directly the victims of domestic abuse, they become victims
32 through the psychological effects of exposure to an incident
33 or incidents involving abuse. This bill seeks to make coun-
34 seling services available to children in these cases.

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(4) Professional counseling for you, the children who are members of the household, and the defendant.

SENATE FILE 155

AN ACT

RELATING TO THE AVAILABILITY OF COUNSELING SERVICES TO CHILDREN WHO ARE MEMBERS OF A HOUSEHOLD WHERE AN INCIDENT INVOLVING DOMESTIC ABUSE HAS OCCURRED.

ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 236.5, subsection 1, Code 1989, is amended to read as follows:

1. The court may order that the plaintiff, and the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and fixed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the county treasury.

Section 2. Section 236.12, subsection 1, paragraph c, paragraph (4), Code 1989, is amended to read as follows:

JO ANN ZIMMERMAN
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 155, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved 5/2, 1989

TERRY E. BRANSTAD
Governor

SF 155