

Human Resources Do Pass 4/5 (p. 1485)  
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FILED MAR 30 1990

SENATE FILE 2425  
BY HUTCHINS AND HULTMAN

Passed Senate, Date 4/4/90 (p. 1519) Passed House, Date 4/7/80 (p. 2234)  
Vote: Ayes 47 Nays 1 Vote: Ayes 89 Nays 1  
Approved April 30, 1990

A BILL FOR

1 An Act relating to the care of children when a legally  
2 responsible adult is unavailable to provide the care.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2425

1 Section 1. Section 232.79, subsections 2 and 4, Code  
2 Supplement 1989, are amended to read as follows:

3 2. If a person authorized by this section removes or  
4 retains custody of a child, the person shall:

5 a. Bring the child immediately to a place designated by  
6 the rules of the court for this purpose, unless the person is  
7 a physician treating the child and the child is or will  
8 presently be admitted to a hospital.

9 b. Make every reasonable effort to inform the parent,  
10 guardian, or custodian of the whereabouts of the child.

11 c. Promptly In accordance with court-established  
12 procedures, immediately orally inform the court in-writing of  
13 the emergency removal and the circumstances surrounding the  
14 removal.

15 d. Within twenty-four hours of orally informing the court  
16 of the emergency removal in accordance with paragraph "c",  
17 inform the court in writing of the emergency removal and the  
18 circumstances surrounding the removal.

19 4. a. When the court is informed that there has been an  
20 emergency removal or keeping of a child without a court order,  
21 the court shall direct the department of human services or the  
22 juvenile probation department to make every reasonable effort  
23 to communicate immediately with the child's parent or parents  
24 or other person legally responsible for the child's care.

25 Upon locating the child's parent or parents or other person  
26 legally responsible for the child's care, the department of  
27 human services or the juvenile probation department shall, in  
28 accordance with court-established procedures, immediately  
29 orally inform the court. After orally informing the court,  
30 the department of human services or the juvenile probation  
31 department shall provide to the court written documentation of  
32 the oral information.

33 b. The court shall also authorize the department of human  
34 services or the juvenile probation department to cause a child  
35 thus removed or kept to be returned if it concludes there is

1 not an imminent risk to the child's life and health in so  
2 doing. If the department of human services or the juvenile  
3 probation department receives information which could affect  
4 the court's decision regarding the child's return, the  
5 department of human services or the juvenile probation  
6 department, in accordance with court established procedures,  
7 shall immediately orally provide the information to the court.  
8 After orally providing the information to the court, the  
9 department of human services or the juvenile probation  
10 department shall provide to the court written documentation of  
11 the oral information. If the child is not returned, the  
12 department of human services or the juvenile probation  
13 department shall forthwith cause a petition to be filed within  
14 three days after the removal.

15 Sec. 2. NEW SECTION. 232.79A CHILDREN WITHOUT ADULT  
16 SUPERVISION.

17 If a peace officer determines that a child does not have  
18 adult supervision because the child's parent, guardian, or  
19 other person responsible for the care of the child has been  
20 arrested and detained or has been unexpectedly incapacitated,  
21 and that no adult who is legally responsible for the care of  
22 the child can be located within a reasonable period of time,  
23 the peace officer shall attempt to place the child with an  
24 adult relative of the child, an adult person who cares for the  
25 child, or another adult person who is known to the child. The  
26 person with whom the child is placed is authorized to give  
27 consent for emergency medical treatment of the child and shall  
28 not be held liable for any action arising from giving the  
29 consent. Upon the request of the peace officer, the  
30 department shall assist in making the placement. The  
31 placement shall not exceed a period of twenty-four hours and  
32 shall be terminated when a person who is legally responsible  
33 for the care of the child is located and takes custody of the  
34 child. If a person who is legally responsible for the care of  
35 the child cannot be located within the twenty-four hour period

1 or a placement in accordance with this section is unavailable,  
2 the provisions of section 232.79 shall apply. If the person  
3 with whom the child is placed charges a fee for the care of  
4 the child, the fee shall be paid from funds provided in the  
5 appropriation to the department for protective child care.

6 EXPLANATION

7 This bill relates to the care of children when a legally  
8 responsible adult is unavailable to provide the care. The  
9 bill establishes information procedures relating to emergency  
10 removal of a child without a court order and provides for  
11 temporary placement of a child under certain circumstances.  
12 In accordance with court-established procedures, a peace  
13 officer or physician who removes or retains custody of a child  
14 must immediately orally inform the court of an emergency  
15 removal of a child and provide written documentation of the  
16 oral information within 24 hours. Similar provisions apply to  
17 the department of human services or juvenile probation  
18 department when the child's parent or parents or person  
19 responsible for the child is located or when information is  
20 received which could affect the court's decision regarding the  
21 child's return.

22 A placement procedure is established for situations in  
23 which a child is without adult supervision because the person  
24 responsible for the care of the child is unable to care for  
25 the child due to certain circumstances beyond the person's  
26 control. If the peace officer is unable to locate an adult  
27 person who is legally responsible for the child, the peace  
28 officer must attempt to place the child with a relative or  
29 other person who is known to the child and may request  
30 assistance from the department of human services in making the  
31 placement. The person with whom the child is placed is  
32 authorized to give consent for emergency medical treatment of  
33 the child. The placement cannot exceed a period of 24 hours  
34 and is terminated when a person who is legally responsible for  
35 the child takes custody of the child. If a person legally

1 responsible for the care of the child cannot be located within  
2 24 hours or an appropriate placement is unavailable, the  
3 provisions of section 232.79, relating to emergency removal of  
4 a child, apply.

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