

FILE NO. 1992

SENATE FILE 2040
BY ROSENBERG

Passed Senate, Date 2/27/92 (p. 503) Passed House, Date 4/1/92 (p. 976)
Vote: Ayes 47 Nays 0 Vote: Ayes 100 Nays 0
Approved April 23, 1992

A BILL FOR

1 An Act relating to the appointment of associate juvenile judges
2 and eliminating the juvenile referee system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2040

5297 (10/1/88)

1 Section 1. Section 602.1101, subsection 8, Code 1991, is
2 amended to read as follows:

3 8. "Judicial officer" means a supreme court justice, a
4 judge of the court of appeals, a district judge, a district
5 associate judge, an associate juvenile judge, or a magistrate.
6 The term also includes a person who is temporarily serving as
7 a justice, judge, or magistrate as permitted by section
8 602.1612 or 602.9206.

9 Sec. 2. Section 602.6301, Code 1991, is amended to read as
10 follows:

11 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
12 JUDGES.

13 There shall be one district associate judge in counties
14 having a population, according to the most recent federal
15 decennial census, of more than thirty-five thousand and less
16 than eighty thousand; two in counties having a population of
17 more than eighty thousand and less than one hundred twenty-
18 five thousand; three in counties having a population of more
19 than one hundred twenty-five thousand and less than two
20 hundred thousand; and four in counties having a population of
21 two hundred thousand or above. A district associate judge
22 appointed pursuant to section 602.6302, or 602.6303, or
23 602.6303A shall not be counted for purposes of this section.

24 Sec. 3. NEW SECTION. 602.6303A APPOINTMENT OF ASSOCIATE
25 JUVENILE JUDGES.

26 Associate juvenile judges authorized by section 602.7101
27 shall be appointed by the district judges of the judicial
28 election district from persons nominated by the district
29 judicial nominating commission.

30 Sec. 4. NEW SECTION. 602.6305A ASSOCIATE JUVENILE JUDGES -
31 - TERM, RETENTION, QUALIFICATIONS.

32 1. Associate juvenile judges shall serve initial terms
33 commencing on the date of appointment of each judge and shall
34 stand for retention in office within the judicial election
35 districts of their residences at the judicial election in 1994

1 and every four years thereafter, under sections 46.17 to
2 46.24.

3 2. A person does not qualify for appointment to the office
4 of associate juvenile judge unless the person is at the time
5 of appointment a resident of the judicial election district in
6 which the vacancy exists, licensed to practice law in Iowa,
7 and will be able, measured by the person's age at the time of
8 appointment, to complete the initial term of office prior to
9 reaching age seventy-two. An applicant for district associate
10 judge shall file a certified application form, to be provided
11 by the supreme court, with the chairperson of the district
12 judicial nominating commission.

13 3. An associate juvenile judge must be a resident of the
14 judicial election district in which the office is held during
15 the entire term of office. An associate juvenile judge shall
16 serve within the judicial election district in which
17 appointed, as directed by the chief judge, and is subject to
18 reassignment under section 602.6108.

19 4. Associate juvenile judges shall qualify for office as
20 provided in chapter 63 for district judges.

21 Sec. 5. Section 602.6306, Code Supplement 1991, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 2A. Associate juvenile judges have
24 jurisdiction over juvenile court proceedings as provided in
25 section 602.7101. Associate juvenile judges shall employ
26 district judges' practice and procedure.

27 Sec. 6. Section 602.7101, Code 1991, is amended to read as
28 follows:

29 602.7101 JUVENILE COURT.

30 1. A juvenile court is established in each county. The
31 juvenile court is within the district court and has the
32 jurisdiction provided in chapter 232.

33 2. The jurisdiction of the juvenile court may be exercised
34 by any district judge, and by any district associate judge who
35 is designated by the chief judge as a judge of the juvenile

1 court, and by any associate juvenile judge appointed pursuant
2 to this section.

3 3. The chief judge shall designate one or more of the
4 district judges and district associate judges to act as judges
5 of the juvenile court for a county. The chief judge may
6 designate a juvenile court judge or associate juvenile judge
7 to preside in more than one county.

8 4. The designation of a judicial officer as a juvenile
9 court judge does not deprive the officer of other judicial
10 functions. Any district judge may act as a juvenile court
11 judge during the absence or inability to act, or upon the
12 request, of the designated juvenile court judge or associate
13 juvenile judge.

14 5. The juvenile court is always open for the transaction
15 of business, but the hearing of a matter that requires notice
16 shall be had at a time and place fixed by the juvenile court
17 judge or associate juvenile judge.

18 Sec. 7. Counties served on January 1, 1992, by full-time
19 juvenile court referees shall be entitled to an equal number
20 of associate juvenile judges effective July 1, 1992. Counties
21 served on January 1, 1992, by part-time juvenile court
22 referees shall be integrated into the geographical
23 jurisdiction of an associate juvenile judge from the same
24 judicial district effective July 1, 1993.

25 Sec. 8. Within fifteen days of enactment of this Act, the
26 chief judge of each judicial election district served by a
27 full-time juvenile court referee shall convene the district
28 judges of the judicial election district who shall, by
29 majority vote of all district judges of the judicial election
30 district, affirm or reject the appointment of the sitting
31 full-time referee as an associate juvenile judge. If a
32 sitting referee's appointment is rejected, the referee is
33 subject to removal by June 30, 1992, and the rejection
34 satisfies the removal requirements of section 602.7103,
35 subsection 1, and the chief judge shall notify the chairperson

1 of the district judicial nominating commission who shall
2 convene a meeting of the commission.

3 Sec. 9. Section 602.7103, Code 1991, is repealed effective
4 July 1, 1993.

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EXPLANATION

6 This bill provides that juvenile court referees shall be
7 replaced with associate juvenile judges. Associate juvenile
8 judges are district associate judges whose jurisdiction is
9 limited to juvenile court matters. The bill provides that
10 associate juvenile judges are appointed by the judges of each
11 judicial election district from a list of persons provided by
12 the district judicial nominating commission and shall have the
13 qualifications, serve the term, and stand for retention the
14 same as district associate judges. In addition, the bill
15 provides for the retention of current full-time judicial
16 referees by a vote of the district judges of each judicial
17 election district and the termination of those referees not so
18 retained. Finally, the bill provides for the transition to
19 the associate juvenile judges system to be completed in two
20 phases. The first phase would be complete by July 1, 1992,
21 and would involve only full-time referees. The second phase
22 would be complete by July 1, 1993, and would involve part-time
23 referees. Some additional conforming amendments to the Code
24 may be necessary to fully implement the bill.

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SENATE FILE 2040
FISCAL NOTE

A fiscal note for Senate File 2040 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 2040 provides that juvenile court referees will be replaced with associate juvenile judges. The bill provides that the transition shall occur in 2 phases. The first phase shall be completed by July 1, 1992 and involve only full-time referees. The second phase would be completed by July 1, 1993 and involve part-time referees.

ASSUMPTIONS

1. There are 11 full-time referees that would be converted July 1, 1992.
2. Part-time referees, contracted at \$50 per hour, would result in 1 additional conversion on July 1, 1993.
3. Cost per referee conversion would be an additional \$15,232.80 plus \$328.31 in additional FICA.
4. Four additional court reporters would be needed July 1, 1992, and 1 additional reporter on July 1, 1993, at a cost of \$38,830 each per year.

FISCAL EFFECT This bill would result in an additional cost to the General Fund of approximately \$326,500 in FY 1993 and \$380,900 in FY 1994.

(Source: Judicial Department)

(LSB 5462ss, DPW)

FILED FEBRUARY 27, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2040

S-5091

Amend Senate File 2040 as follows:

1. By striking every word after the enacting clause and inserting the following:
"Section 1. Section 225.75A, Code 1991, is amended to read as follows:

2. 225.75A INVOLUNTARY COMMITMENT OR TREATMENT OF MINORS -- JURISDICTION.

3. The juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application for involuntary commitment or treatment is filed under section 225.75. In proceedings under this division concerning a minor's involuntary commitment or treatment, the terms "court", "judge", "referee" or "clerk" mean the juvenile court, judge, referee or clerk.

4. Sec. 2. Section 229.6A, subsection 1, Code 1991, is amended to read as follows:

1. Notwithstanding section 229.11, the juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application for involuntary admission is filed under section 229.6 or for whom an application for voluntary admission is made under section 229.2, subsection 1, to which the minor objects. In proceedings under this chapter concerning a minor, notwithstanding section 229.11, the terms "court", "judge", "referee" or "clerk" mean the juvenile court, judge, referee or clerk.

2. Sec. 3. Section 331.754, subsection 2, Code 1991, is amended to read as follows:

2. The acting county attorney shall receive a reasonable compensation as determined by the board for services rendered in proceedings before a judicial magistrate or rendered on behalf of a county officer or employee. If the proceedings are held before a district associate judge or a district judge, the judge shall determine a reasonable compensation for the acting county attorney. If the proceedings are held before a juvenile court referee or associate juvenile judge or a judicial hospitalization referee, the acting county attorney shall be compensated at a rate approved by the judge who appointed the associate juvenile judge or referee. The compensation shall be paid from funds to be appropriated to the office of county attorney by the board.

3. Sec. 4. Section 602.7103, Code 1991, is amended to read as follows:

602.7103 REFEREE ASSOCIATE JUVENILE JUDGE --

PROCEDURE.

1. The chief judge may appoint and may remove for cause with due process a juvenile court referee or

S-5091

S-5091

Page 2

1 associate juvenile judge. The referee associate
2 juvenile judge shall be an attorney admitted to
3 practice law in this state, and shall be qualified for
4 duties by training and experience.

5 2. The referee associate juvenile judge shall have
6 the same jurisdiction to conduct juvenile court
7 proceedings and to issue orders, findings, and
8 decisions as the judge of the juvenile court, except
9 that the referee associate juvenile judge shall not
10 issue warrants. However, the appointing judge may
11 limit the referee's exercise of juvenile court
12 jurisdiction by the associate juvenile judge.

13 3. The parties to a proceeding heard by the
14 referee an associate juvenile judge are entitled to a
15 review-by-the-judge-of-the-juvenile-court-of appeal
16 the referee's order, finding, or decision of an
17 associate juvenile judge, if-the-review-is-requested
18 within-ten-days-after-the-entry-of-the-referee's
19 order, finding, or decision in the manner of an appeal
20 from orders, findings, or decisions of district court
21 judges. A-request-for-review An appeal does not
22 automatically stay the referee's order, finding, or
23 decision of an associate juvenile judge. The-review
24 is-on-the-record-only."

25 2. Title page, by striking lines 1 and 2 and
26 inserting the following: "An Act relating to changing
27 the title "juvenile court referee" to "associate
28 juvenile judge" and to the appeal of associate
29 juvenile judge orders, findings, and decisions."

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5091 FILED FEBRUARY 24, 1992

Adapted 2/27 (p. 502)

The Judiciary 3/2, Amend 2 No Pass (H-5570) 3/27

SENATE FILE 2040
BY ROSENBERG

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 27, 1992)
ALL New Language by the Senate

Passed Senate, Date 4/7/92 (p. 1262) Passed House, Date 4/1/92 (p. 976)
Vote: Ayes 49 Nays 0 Vote: Ayes 100 Nays 0
Approved April 23, 1992 (p. 1596)

A BILL FOR

1 An Act relating to changing the title "juvenile court referee" to
2 "associate juvenile judge" and to the appeal of associate
3 juvenile judge orders, findings, and decisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 2040

H-5570

1 Amend Senate File 2040, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 18, by inserting after the word
4 "a" the following: "termination of parental rights".
5 2. Page 2, line 24, by inserting after the word
6 "judges." the following: "The parties to any other
7 proceeding heard by an associate juvenile judge are
8 entitled to appeal the order, finding, or decision of
9 an associate juvenile judge, to the district court."

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT
JAY of Appanoose, CHAIRPERSON

H-5570 FILED MARCH 27, 1992
Adopted 4/1 (p. 976)

S.F. 2040

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1 Section 1. Section 125.75A, Code 1991, is amended to read
2 as follows:

3 125.75A INVOLUNTARY COMMITMENT OR TREATMENT OF MINORS --
4 JURISDICTION.

5 The juvenile court has exclusive original jurisdiction in
6 proceedings concerning a minor for whom an application for
7 involuntary commitment or treatment is filed under section
8 125.75. In proceedings under this division concerning a
9 minor's involuntary commitment or treatment, the terms term
10 "court", "judge", "~~referee~~", or "clerk" mean the juvenile
11 court, judge, ~~referee~~, or clerk.

12 Sec. 2. Section 229.6A, subsection 1, Code 1991, is
13 amended to read as follows:

14 1. Notwithstanding section 229.11, the juvenile court has
15 exclusive original jurisdiction in proceedings concerning a
16 minor for whom an application for involuntary admission is
17 filed under section 229.6 or for whom an application for
18 voluntary admission is made under section 229.2, subsection 1,
19 to which the minor objects. In proceedings under this chapter
20 concerning a minor, notwithstanding section 229.11, the terms
21 term "court", "judge", "~~referee~~", or "clerk" mean the juvenile
22 court, judge, ~~referee~~, or clerk.

23 Sec. 3. Section 331.754, subsection 2, Code 1991, is
24 amended to read as follows:

25 2. The acting county attorney shall receive a reasonable
26 compensation as determined by the board for services rendered
27 in proceedings before a judicial magistrate or rendered on
28 behalf of a county officer or employee. If the proceedings
29 are held before a district associate judge or a district
30 judge, the judge shall determine a reasonable compensation for
31 the acting county attorney. If the proceedings are held
32 before ~~a juvenile court referee~~ an associate juvenile judge or
33 a judicial hospitalization referee, the acting county attorney
34 shall be compensated at a rate approved by the judge who
35 appointed the associate juvenile judge or referee. The

1 compensation shall be paid from funds to be appropriated to
2 the office of county attorney by the board.

3 Sec. 4. Section 602.7103, Code 1991, is amended to read as
4 follows:

5 602.7103 REFEREE ASSOCIATE JUVENILE JUDGE --PROCEDURE.

6 1. The chief judge may appoint and may remove for cause
7 with due process ~~a-juvenile-court-referee~~ an associate
8 juvenile judge. The referee associate juvenile judge shall be
9 an attorney admitted to practice law in this state, and shall
10 be qualified for duties by training and experience.

11 2. The referee associate juvenile judge shall have the
12 same jurisdiction to conduct juvenile court proceedings and to
13 issue orders, findings, and decisions as the judge of the
14 juvenile court, except that the referee associate juvenile
15 judge shall not issue warrants. However, the appointing judge
16 may limit the referee's exercise of juvenile court
17 jurisdiction by the associate juvenile judge.

18 3. The parties to a proceeding heard by the referee an
19 associate juvenile judge are entitled to ~~a-review-by-the-judge~~
20 ~~of-the-juvenile-court-of~~ appeal the referee's order, finding,
21 or decision of an associate juvenile judge, if-the-review-is
22 requested-within-ten-days-after-the-entry-of-the-referee's
23 order,-finding,-or-decision in the manner of an appeal from
24 orders, findings, or decisions of district court judges. A
25 request-for-review An appeal does not automatically stay the
26 referee's order, finding, or decision of an associate juvenile
27 judge. ~~The-review-is-on-the-record-only~~.

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HOUSE AMENDMENT TO
SENATE FILE 2040

S-5542

1 Amend Senate File 2040, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 18, by inserting after the word
4 "a" the following: "termination of parental rights".
5 2. Page 2, line 24, by inserting after the word
6 "judges." the following: "The parties to any other
7 proceeding heard by an associate juvenile judge are
8 entitled to appeal the order, finding, or decision of
9 an associate juvenile judge, to the district court."

RECEIVED FROM THE HOUSE

S-5542 FILED APRIL 3, 1992
Concurred 4/7 (p. 1261)

SENATE FILE 2040

AN ACT

RELATING TO CHANGING THE TITLE "JUVENILE COURT REFEREE" TO "ASSOCIATE JUVENILE JUDGE" AND TO THE APPEAL OF ASSOCIATE JUVENILE JUDGE ORDERS, FINDINGS, AND DECISIONS.

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

Section 1. Section 125.75A, Code 1991, is amended to read as follows:

125.75A INVOLUNTARY COMMITMENT OR TREATMENT OF MINORS -- JURISDICTION.

The juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application for involuntary commitment or treatment is filed under section 125.75. In proceedings under this division concerning a minor's involuntary commitment or treatment, the terms term "court", "judge", "referee", or "clerk" mean the juvenile court, judge, referee, or clerk.

Sec. 2. Section 229.6A, subsection 1, Code 1991, is amended to read as follows:

1. Notwithstanding section 229.11, the juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application for involuntary admission is filed under section 229.6 or for whom an application for voluntary admission is made under section 229.2, subsection 1, to which the minor objects. In proceedings under this chapter concerning a minor, notwithstanding section 229.11, the terms term "court", "judge", "referee", or "clerk" mean the juvenile court, judge, referee, or clerk.

Sec. 3. Section 331.754, subsection 2, Code 1991, is amended to read as follows:

2. The acting county attorney shall receive a reasonable compensation as determined by the board for services rendered

in proceedings before a judicial magistrate or rendered on behalf of a county officer or employee. If the proceedings are held before a district associate judge or a district judge, the judge shall determine a reasonable compensation for the acting county attorney. If the proceedings are held before a ~~juvenile court referee~~ an associate juvenile judge or a judicial hospitalization referee, the acting county attorney shall be compensated at a rate approved by the judge who appointed the associate juvenile judge or referee. The compensation shall be paid from funds to be appropriated to the office of county attorney by the board.

Sec. 4. Section 602.7103, Code 1991, is amended to read as follows:

602.7103 REFEREE ASSOCIATE JUVENILE JUDGE -- PROCEDURE.

1. The chief judge may appoint and may remove for cause with due process a ~~juvenile court referee~~ an associate juvenile judge. The referee associate juvenile judge shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience.

2. The referee associate juvenile judge 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 associate juvenile judge shall not issue warrants. However, the appointing judge may limit the referee's exercise of juvenile court jurisdiction by the associate juvenile judge.

3. The parties to a termination of parental rights proceeding heard by the ~~referee~~ an associate juvenile judge are entitled to a review by the judge of the juvenile court of appeal the referee's order, finding, or decision of an associate juvenile judge, if the review is requested within ten days after the entry of the referee's order, finding, or decision in the manner of an appeal from orders, findings, or decisions of district court judges. The parties to any other proceeding heard by an associate juvenile judge are entitled

to appeal the order, finding, or decision of an associate juvenile judge, to the district court. A-request-for-review
An appeal does not automatically stay the referee's order, finding, or decision of an associate juvenile judge. The review-is-on-the-record-only.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2040, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 23, 1992

TERRY E. BRANSTAD
Governor