

H. 3/24/95 Judiciary
H. 4/6/95 Do Pass
H. 4/13/95 Unfinished Business Calendar
FILED MAR 20 1995

SENATE FILE **438**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 132)

Passed Senate, ^(p.819) Date 3/22/95 Passed House, Date 4/18/95 (p.1684)
Vote: Ayes 50 Nays 0 Vote: Ayes 92 Nays 0
Approved April 26, 1995

A BILL FOR

1 An Act relating to juvenile justice including notice requirements
2 for certain hearings and authorizing associate juvenile judges
3 to perform marriage ceremonies.

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

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S.F. 438

1 Section 1. Section 232.37, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. Service of summons or notice shall be made personally
4 by the delivery of a copy of the summons or notice to the
5 person being served. If the court determines that personal
6 service of a summons or notice is impracticable, the court may
7 order service by certified mail addressed to the last known
8 address ~~or-by-publication-or-both~~. Service of summons or
9 notice shall be made not less than five days before the time
10 fixed for hearing. Service of summons, notice, subpoenas or
11 other process, after an initial valid summons or notice, shall
12 be made in accordance with the rules of the court governing
13 such service in civil actions.

14 Sec. 2. Section 232.54, subsection 6, unnumbered paragraph
15 2, Code 1995, is amended to read as follows:

16 Notice requirements of this section shall be satisfied in
17 the same manner as for adjudicatory hearings as provided in
18 section 232.37 except that notice shall be waived regarding a
19 person who was notified of the adjudicatory hearing and who
20 failed to appear. At a hearing under this section all
21 relevant and material evidence shall be admitted.

22 Sec. 3. Section 595.10, subsection 1, Code 1995, is
23 amended to read as follows:

24 1. A judge of the supreme court, court of appeals, or
25 district court, including a district associate judge,
26 associate juvenile judge, or a judicial magistrate, and
27 including a senior judge as defined in section 602.9202,
28 subsection 1.

29 EXPLANATION

30 This bill provides that notice of adjudication hearings or
31 hearings regarding the modification of a dispositional order
32 in juvenile delinquency cases need not be given by
33 publication. The bill also waives the requirement of notice
34 to a person, who was originally notified of a delinquency
35 adjudication hearing but failed to appear, for a hearing

1 regarding modification or termination of the dispositional
2 order.

3 Finally, the bill provides that associate juvenile judges
4 may perform marriage ceremonies.

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SSB-132

Giannetto

Judiciary

Vilsack

Succeeded By

Maddox

SENATE FILE SF/HF 438

Boettger

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to juvenile justice including notice requirements
2 for certain hearings, the duties of the sheriff regarding
3 transportation of juveniles, and authorizing associate
4 juvenile judges to perform marriage ceremonies.

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

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1 Section 1. Section 232.37, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. Service of summons or notice shall be made personally
4 by the delivery of a copy of the summons or notice to the
5 person being served. If the court determines that personal
6 service of a summons or notice is impracticable, the court may
7 order service by certified mail addressed to the last known
8 address ~~or-by-publication-or-both~~. Service of summons or
9 notice shall be made not less than five days before the time
10 fixed for hearing. Service of summons, notice, subpoenas or
11 other process, after an initial valid summons or notice, shall
12 be made in accordance with the rules of the court governing
13 such service in civil actions.

14 Sec. 2. Section 232.54, subsection 6, unnumbered paragraph
15 2, Code 1995, is amended to read as follows:

16 Notice requirements of this section shall be satisfied in
17 the same manner as for adjudicatory hearings as provided in
18 section 232.37 except that notice shall be waived regarding a
19 person who was notified of the adjudicatory hearing and who
20 failed to appear. At a hearing under this section all
21 relevant and material evidence shall be admitted.

22 Sec. 3. Section 331.653, subsection 4, Code 1995, is
23 amended to read as follows:

24 4. Provide bailiff and other law enforcement service to
25 the district judges, district associate judges, and judicial
26 magistrates, and associate juvenile judges of the county upon
27 request, including the transportation of juveniles to a
28 detention or shelter facility upon oral order of the court
29 with a written order to follow.

30 Sec. 4. Section 595.10, subsection 1, Code 1995, is
31 amended to read as follows:

32 1. A judge of the supreme court, court of appeals, or
33 district court, including a district associate judge,
34 associate juvenile judge, or a judicial magistrate, and
35 including a senior judge as defined in section 602.9202,

1 subsection 1.

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EXPLANATION

3 This bill provides that notice of adjudication hearings or
4 hearings regarding the modification of a dispositional order
5 in juvenile delinquency cases need not be given by
6 publication. The bill also waives the requirement of notice
7 to a person, who was originally notified of a delinquency
8 adjudication hearing but failed to appear, for a hearing
9 regarding modification or termination of the dispositional
10 order.

11 In addition, the bill adds language to section 331.653
12 regarding the duties of the sheriff to provide that the
13 sheriff has the duty of transporting juveniles to detention or
14 shelter care.

15 Finally, the bill provides that associate juvenile judges
16 may perform marriage ceremonies.

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including a senior judge as defined in section 602.9202,
subsection 1.

AN ACT

RELATING TO JUVENILE JUSTICE INCLUDING NOTICE REQUIREMENTS FOR
CERTAIN HEARINGS AND AUTHORIZING ASSOCIATE JUVENILE JUDGES
TO PERFORM MARRIAGE CEREMONIES.

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

Section 1. Section 232.37, subsection 4, Code 1995, is
amended to read as follows:

4. Service of summons or notice shall be made personally
by the delivery of a copy of the summons or notice to the
person being served. If the court determines that personal
service of a summons or notice is impracticable, the court may
order service by certified mail addressed to the last known
address ~~or-by-publication-or-both~~. Service of summons or
notice shall be made not less than five days before the time
fixed for hearing. Service of summons, notice, subpoenas or
other process, after an initial valid summons or notice, shall
be made in accordance with the rules of the court governing
such service in civil actions.

Sec. 2. Section 232.54, subsection 6, unnumbered paragraph
2, Code 1995, is amended to read as follows:

Notice requirements of this section shall be satisfied in
the same manner as for adjudicatory hearings as provided in
section 232.37 except that notice shall be waived regarding a
person who was notified of the adjudicatory hearing and who
failed to appear. At a hearing under this section all
relevant and material evidence shall be admitted.

Sec. 3. Section 595.10, subsection 1, Code 1995, is
amended to read as follows:

1. A judge of the supreme court, court of appeals, or
district court, including a district associate judge,
associate juvenile judge, or a judicial magistrate, and

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 438, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 26, 1995

TERRY E. BRANSTAD
Governor