

JAN 26 1998

JUDICIARY

HOUSE FILE 2090  
BY SHOULTZ

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act authorizing the juvenile court, when specified conditions  
2 are met, to enter an ex parte order to perform a medically  
3 relevant test to determine whether an illegal drug is present  
4 in a child's body.

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

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HF 2090

1 Section 1. Section 232.77, Code Supplement 1997, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 3. Any person who may file a petition  
4 under this chapter may apply for, or the court on its own  
5 motion may issue, an order under this subsection. The court  
6 may enter an ex parte order that a medically relevant test, as  
7 defined in section 232.73, be performed to determine whether  
8 an illegal drug is present in a child's body provided that all  
9 of the following apply:

- 10 a. Probable cause exists to believe that the child has  
11 been exposed to an illegal drug.
- 12 b. The person responsible for the care of the child is  
13 absent, or was asked, and refused to consent to the medically  
14 relevant test, or agreed to the performance of the medically  
15 relevant test but did not comply as agreed, or there is  
16 reasonable cause to believe that a request for consent would  
17 endanger the child.

18 EXPLANATION

19 This bill relates to child abuse provisions involving the  
20 presence of illegal drugs in a child's body. A new subsection  
21 is added to Code section 232.77, regarding photographs, X  
22 rays, and medically relevant tests of children, to authorize  
23 the juvenile court, when there is probable cause to believe a  
24 child has been exposed to an illegal drug and when specified  
25 conditions are met relating to consent of the person  
26 responsible for the care of the child, to enter an ex parte  
27 order to perform a medically relevant test to determine  
28 whether an illegal drug is present in the child's body. Any  
29 person authorized to file a petition under the juvenile  
30 justice code may apply for the order, or the court may issue  
31 the order on its own motion.

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