

MAR 5 1997  
JUDICIARY

HOUSE FILE 442  
BY SHOULTZ

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

**A BILL FOR**

1 An Act providing for an ex parte order for a medically relevant  
2 test to determine the presence of an illegal drug in a child's  
3 body.

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

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HF 442

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

3 NEW SUBSECTION. 3. The court may enter an ex parte order  
4 that a medically relevant test, as defined in section 232.73,  
5 be performed to determine whether an illegal drug is present  
6 in a child's body provided all of the following apply:

7 a. Probable cause exists to believe the child has been  
8 exposed to an illegal drug.

9 b. The person responsible for the care of the child is  
10 absent, or though present, was asked and refused to consent to  
11 the medically relevant test, agreed to the performance of the  
12 medically relevant test but did not comply as agreed, or there  
13 is reasonable cause to believe that a request for consent  
14 would endanger the child.

15 EXPLANATION

16 This bill provides for an ex parte order for a medically  
17 relevant test of a child.

18 Code section 232.77, relating to photographs, X rays, and  
19 medically relevant tests of children, is amended by adding a  
20 new subsection. The new subsection authorizes the juvenile  
21 court to enter an ex parte order that a medically relevant  
22 test be performed to determine whether an illegal drug is  
23 present in a child's body. The following conditions are  
24 required for the ex parte order: probable cause the child was  
25 exposed to an illegal drug and the person responsible for the  
26 care of the child is absent or refuses permission for the  
27 test, the person agreed to have the test performed but failed  
28 to abide by the agreement, or there is reason to believe a  
29 request for consent would endanger the child.

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