

FEB 8 2008

HUMAN RESOURCES

HOUSE FILE
BY SHOULTZ

2176

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 2176

1 Section 1. Section 232.77, Code 1999, is amended by adding
2 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 that was not prescribed for
12 the child by a health practitioner.

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

19 Any positive results of a test performed under this
20 subsection shall be reported to the department. The
21 department shall begin an assessment pursuant to section
22 232.71B upon receipt of such a report.

23 EXPLANATION

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

1 the order on its own motion.

2 Any positive test result is to be reported to the
3 department of human services and the department is to perform
4 a child abuse assessment.

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