

FEB 9 1999

JUDICIARY

HOUSE FILE

235

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 235

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.

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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