

FEB 22 1999
HUMAN RESOURCES

HOUSE FILE 335
BY EDDIE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to disposition and other requirements involving
2 child in need of assistance adjudications in which the parent
3 or guardian's drug or alcohol abuse is a material element.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 335

1 Section 1. Section 232.102, subsection 5, Code 1999, is
2 amended to read as follows:

3 5. Whenever possible the court should permit the child to
4 remain at home with the child's parent, guardian, or
5 custodian. Custody of the child should not be transferred
6 unless the court finds there is clear and convincing evidence
7 that any of the following circumstances exists:

8 a. The child cannot be protected from physical abuse
9 without transfer of custody, ~~or.~~

10 b. The child cannot be protected from some harm which
11 would justify the adjudication of the child as a child in need
12 of assistance and an adequate placement is available.

13 c. The drug or alcohol abuse by a child's parent or
14 guardian is a material element in the adjudication of the
15 child as a child in need of assistance.

16 The order shall, in addition, contain a statement that
17 removal from the home is the result of a determination that
18 continuation in the home would be contrary to the welfare of
19 the child, and shall identify the reasonable efforts that have
20 been made.

21 Sec. 2. Section 232.104, subsection 4, Code 1999, is
22 amended to read as follows:

23 4. Any permanency order may provide restrictions upon the
24 contact between the child and the child's parent or parents,
25 consistent with the best interest of the child. If the drug
26 or alcohol abuse by a child's parent or guardian is a material
27 element in the adjudication of the child as a child in need of
28 assistance, the permanency order shall continue the child's
29 out-of-home placement until the parent or guardian has
30 successfully completed a course of treatment for the drug or
31 alcohol abuse.

32 Sec. 3. Section 232.106, Code 1999, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 3. If the drug or alcohol abuse by a
35 child's parent or guardian is a material element in the

1 adjudication of the child as a child in need of assistance and
2 the legal custody of the child has been transferred for an
3 out-of-home placement, the order shall continue the out-of-
4 home placement until the parent or guardian has successfully
5 completed a course of treatment for the drug or alcohol abuse.

6 EXPLANATION

7 This bill relates to disposition and other requirements
8 involving child in need of assistance adjudications in which
9 the parent or guardian's drug or alcohol abuse is a material
10 element.

11 Code section 232.102, relating to transfer of legal custody
12 and placement following a child in need of assistance
13 adjudication, is amended. The amendment allows the court to
14 order an out-of-home placement of a child if there is clear
15 and convincing evidence that the parent or guardian's drug or
16 alcohol abuse is a material element in the child's
17 adjudication.

18 Code section 232.104, relating to permanency hearings for
19 children subject to an order for out-of-home placement, is
20 amended. The amendment requires an out-of-home placement
21 order for such cases to continue until the parent or guardian
22 has successfully completed a course of treatment for drug or
23 alcohol abuse.

24 Code section 232.106, relating to terms and conditions on
25 the parent, guardian, or custodian of a child in orders under
26 the juvenile justice code, is amended. The amendment requires
27 an out-of-home placement order for such cases to continue
28 until the parent or guardian has successfully completed a
29 course of treatment for drug or alcohol abuse.

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