

# House Study Bill 571

## Bill Text

PAG LIN

1 1 Section 1. Section [232.55](#), subsection 2, unnumbered  
1 2 paragraph 1, Code 2001, is amended to read as follows:  
1 3 Adjudication and disposition proceedings under this  
1 4 division are not admissible as evidence against a person in a  
1 5 subsequent proceeding in any other court before or after the  
1 6 person reaches majority

~~except~~

~~-. However, adjudication and~~

1 7 ~~disposition proceedings are admissible in a child in need of~~  
1 8 ~~assistance proceeding if the ability of the person to care for~~  
1 9 ~~the child is at issue, and~~ in a sentencing proceeding after  
1 10 conviction of the person for an offense other than a simple or  
1 11 serious misdemeanor. Adjudication and disposition proceedings  
1 12 may properly be included in a presentence investigation report  
1 13 prepared pursuant to chapter 901 and section 906.5.

1 14 EXPLANATION

1 15 This bill relates to the admissibility of evidence in a  
1 16 child in need of assistance case.

1 17 The bill provides that if a person has previously been  
1 18 adjudicated a delinquent, the delinquency proceedings shall be  
1 19 admissible against the person in a subsequent court hearing if  
1 20 the hearing involves a child in need of assistance case where  
1 21 the ability of the person to care for the child is at issue.

1 22 Current law only permits the admissibility of delinquency  
1 23 proceedings in a subsequent criminal sentencing hearing if the  
1 24 criminal offense is greater than a serious misdemeanor.

1 25 LSB 5328DP 79

1 26 jm/pj/5.1