

FEB 11 2004
HUMAN RESOURCES

HOUSE FILE 2226
BY STEVENS

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

A BILL FOR

1 An Act relating to hearings required for the physical or mental
2 examination or chemical dependency evaluation of a child
3 alleged to be delinquent or a child in need of assistance.

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

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1 Section 1. Section 232.47, subsection 2, Code 2003, is
2 amended to read as follows:

3 2. The court shall hear and adjudicate all cases involving
4 a petition alleging a child to have committed a delinquent
5 act. A hearing regarding the physical or mental examination
6 or chemical dependency evaluation of the child as provided in
7 section 232.49 may be held simultaneously with the
8 adjudicatory hearing.

9 Sec. 2. Section 232.49, subsection 1, Code 2003, is
10 amended to read as follows:

11 1. Following or concurrently with the entry of an order of
12 adjudication under section 232.47 the court may, after a
13 hearing which may be simultaneous with the adjudicatory
14 hearing, order a physical or mental examination or chemical
15 dependency evaluation of the child if it finds that an
16 examination is necessary to determine the child's physical or
17 mental condition. The court may consider chemical dependency
18 as either a physical or mental condition and may consider a
19 chemical dependency evaluation as either a physical or mental
20 examination.

21 Sec. 3. Section 232.96, subsection 1, Code 2003, is
22 amended to read as follows:

23 1. The court shall hear and adjudicate cases involving a
24 petition alleging a child to be a child in need of assistance.
25 A hearing regarding the physical or mental examination or
26 chemical dependency evaluation of the child as provided in
27 section 232.98 may be held simultaneously with the
28 adjudicatory hearing.

29 Sec. 4. Section 232.98, subsection 1, unnumbered
30 paragraphs 1 and 2, Code 2003, is amended to read as follows:

31 Except as provided in section 232.78, subsection 5, a
32 physical or mental examination or chemical dependency
33 evaluation of the child may be ordered only after the filing
34 of a petition pursuant to section 232.87 and after a hearing
35 to determine whether an examination or evaluation is necessary

1 to determine the child's physical or mental condition. The
 2 hearing to determine whether the examination or evaluation is
 3 necessary may be held simultaneously with the adjudicatory
 4 hearing. The court may consider chemical dependency as either
 5 a physical or mental condition and may consider a chemical
 6 dependency evaluation as either a physical or mental
 7 examination.

8 ~~The hearing required by this section may be held~~
 9 ~~simultaneously with the adjudicatory hearing.~~

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EXPLANATION

11 This bill relates to hearings required under Code chapter
 12 232, the juvenile justice code, for the physical or mental
 13 examination or chemical dependency evaluation of a child
 14 alleged to be delinquent or a child in need of assistance.

15 Current law provides that a physical or mental examination
 16 of a child may be ordered following a hearing which may be
 17 held at the same time as the adjudicatory hearing. The bill
 18 explicitly provides that the court may also order a chemical
 19 dependency evaluation. In addition, the bill amends the
 20 adjudicatory hearing provisions to include references to the
 21 authority to hold the hearing regarding the examination or
 22 evaluation at the same time as the adjudicatory hearing.

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