

FEB 21 2003  
PUBLIC SAFETY

HOUSE FILE 260  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to an informal adjustment of a complaint in  
2 juvenile court and the filing of a petition.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF-260

1 Section 1. Section 232.2, subsection 25, Code 2003, is  
2 amended to read as follows:

3 25. "Informal adjustment agreement" means an agreement,  
4 subject to the provisions of section 235.35, between an intake  
5 officer, a child who is the subject of a complaint, and the  
6 child's parent, guardian or custodian providing for the  
7 informal adjustment of the complaint.

8 Sec. 2. Section 232.28, subsections 6, 7, and 8, Code  
9 2003, are amended to read as follows:

10 6. The intake officer, after consultation with the county  
11 attorney when necessary, shall determine whether the complaint  
12 is legally sufficient for the filing of a petition. A  
13 complaint shall be deemed legally sufficient for the filing of  
14 a petition if the facts as alleged are sufficient to establish  
15 the jurisdiction of the court and probable cause to believe  
16 that the child has committed a delinquent act. If the intake  
17 officer determines that the complaint is legally sufficient to  
18 support the filing of a petition, the officer, subject to the  
19 provisions of section 232.35, shall determine whether the  
20 interests of the child and the public will best be served by  
21 the dismissal of the complaint, the informal adjustment of the  
22 complaint, or the filing of a petition.

23 7. If the intake officer determines that the complaint is  
24 not legally sufficient for the filing of a petition or that  
25 further proceedings are not in the best interests of the child  
26 or the public, the intake officer shall dismiss the complaint,  
27 subject to the provisions of section 232.35.

28 8. If the intake officer determines that the complaint is  
29 legally sufficient for the filing of a petition and that an  
30 informal adjustment of the complaint is in the best interests  
31 of the child and the community, the officer may make an  
32 informal adjustment of the complaint in accordance with  
33 ~~section~~ the provisions of sections 232.29 and 232.35.

34 Sec. 3. Section 232.29, subsection 1, Code 2003, is  
35 amended by adding the following new paragraph:

1 NEW PARAGRAPH. bb. The intake officer shall advise the  
2 child and the child's parent, guardian, or custodian, verbally  
3 and in writing that the county attorney has the right to  
4 rescind the informal adjustment agreement and file a petition.  
5 Sec. 4. Section 232.35 subsection 3, Code 2003, is amended  
6 to read as follows:

7 3. If the intake officer determines that a complaint is  
8 not legally sufficient for the filing of a petition or that  
9 the filing of a petition would not be in the best interests of  
10 the child and the community, the officer shall notify the  
11 complainant of the officer's determination and the reasons for  
12 such determination, and shall advise the complainant that the  
13 complainant may submit the complaint to the county attorney  
14 for review. If the intake officer determines that a complaint  
15 is not legally sufficient or that the filing of a petition is  
16 not in the best interests of the child and the community, the  
17 intake officer shall notify the county attorney of that  
18 determination in order for the county attorney to review that  
19 determination if the county attorney so chooses. Upon  
20 receiving a request for review by a complainant or choosing to  
21 review the determination by an intake officer, the county  
22 attorney shall consider the facts presented by the  
23 complainant, consult with the intake officer and make the  
24 final determination as to whether a petition should be filed.  
25 In the absence of a request by the complainant for a review of  
26 the intake officer's determination that a petition should not  
27 be filed, the intake officer's determination shall be final,  
28 ~~and the intake officer shall inform the county attorney of~~  
29 ~~this decision concerning complaints involving allegations of~~  
30 ~~acts which, if committed by an adult, would constitute an~~  
31 ~~aggravated misdemeanor or a felony~~ unless the county attorney  
32 chooses to review the intake officer's determination.

33 Sec. 5. Section 232.35, Code 2003, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 4. The chief juvenile court officer and

1 the county attorney shall determine categories of complaints  
2 that may be subject to informal adjustment as provided in  
3 section 232.29. However, a complaint shall not be informally  
4 adjusted over the objection of the county attorney and the  
5 county attorney may rescind an informal adjustment agreement  
6 at any time and file a petition. The chief juvenile court  
7 officer shall submit to the county attorney on a monthly basis  
8 an Iowa court information system report detailing the  
9 complaints informally adjusted in the prior month.

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EXPLANATION

11 This bill relates to an informal adjustment of a complaint  
12 in juvenile court and the filing of a petition.

13 The bill provides that the chief juvenile court officer and  
14 the county attorney shall determine categories of complaints  
15 in juvenile court that may be subject to an informal  
16 adjustment. The bill provides that a complaint shall not be  
17 informally adjusted by an intake officer in juvenile court  
18 over the objection of the county attorney. If an intake  
19 officer in juvenile court makes a determination that a  
20 complaint is not legally sufficient, or is not in the best  
21 interests of the child and the community, the bill requires  
22 the intake officer to notify the county attorney of that  
23 determination in order for the county attorney to make the  
24 final determination if the county attorney so chooses. The  
25 bill also provides that a county attorney may rescind, at any  
26 time, an informal adjustment agreement and file a petition in  
27 juvenile court. The bill also provides that the chief  
28 juvenile court officer on a monthly basis submit to the county  
29 attorney a report detailing the complaints informally adjusted  
30 the prior month.

31 Code section 232.2(24) defines "informal adjustment" to  
32 mean the disposition of a complaint without the filing of a  
33 petition which may include placement of the child on  
34 nonjudicial probation, provision of intake services, and  
35 referral of the child to a public or private agency other than

1 the court for services.

2 Under current provisions, an informal adjustment is an  
3 agreement between an intake officer in juvenile court, the  
4 juvenile, and the parents of the juvenile which cannot be  
5 rescinded by the county attorney. Current law also provides  
6 that if an intake officer in juvenile court makes a  
7 determination that a complaint is not legally sufficient, or  
8 is not in the best interests of the child and the community,  
9 and the complainant does not ask the county attorney to review  
10 the determination, the determination of the intake officer is  
11 final.

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