

FILED FEB 12 2006

JUDICIARY

SENATE FILE 2145
BY WARNSTADT

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

A BILL FOR

1 An Act relating to enforcement of child custody and visitation
2 orders.

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

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JUDICIARY

SF 2145

1 Section 1. Section 710.6, Code 2005, is amended to read as
2 follows:

3 710.6 VIOLATING CUSTODIAL ORDER.

4 1. A relative of a child who, acting in violation of an
5 order of any court which fixes, permanently or temporarily,
6 the custody or physical care of the child in another, takes
7 and conceals the child, within or outside the state, from the
8 person having lawful custody or physical care, commits a class
9 "D" felony.

10 2. A parent of a child living apart from the other parent
11 who conceals that child or causes that child's whereabouts to
12 be unknown to a parent with visitation rights or parental time
13 in violation of a court order granting visitation rights or
14 parental time and without the other parent's consent, commits
15 a serious misdemeanor.

16 3. Upon the filing of a complaint of a missing person who
17 is a child who is the subject of the alleged criminal activity
18 described in subsection 1 or 2, the law enforcement agency
19 having jurisdiction shall comply with all federal and state
20 requirements relating to missing person reports involving
21 children, including the provisions of chapter 694 relating to
22 unemancipated minors. Upon the filing of such complaint, the
23 law enforcement agency shall notify the appropriate county
24 attorney to obtain a warrant for the arrest of the alleged
25 perpetrator of the criminal activity.

26 EXPLANATION

27 This bill provides that in cases of violation of custodial
28 orders in which the child is taken and concealed, upon the
29 filing of a missing person complaint relative to the child,
30 the law enforcement agency is to comply with all federal and
31 state requirements relating to missing person reports
32 involving children, including the provisions of Code chapter
33 694 (missing persons) as it relates to unemancipated minors.
34 Upon the filing of such a missing person complaint, the law
35 enforcement agency is required to notify the appropriate

1 county attorney to obtain a warrant for the arrest of the
2 alleged perpetrator of the criminal activity.

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