

Senate Study Bill 1034

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CO=CHAIRPERSON KREIMAN)

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

A BILL FOR

1 An Act restricting the circumstances by which the juvenile court
2 may modify, vacate and substitute, or terminate a child in
3 need of assistance dispositional order.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1167XC 81
6 jp/gg/14

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1 1 Section 1. Section 232.103, subsection 4, Code 2005, is
2 amended to read as follows:
1 3 4. The court may ~~modify a dispositional order, vacate and~~
~~1 4 substitute a dispositional order, or terminate a dispositional~~
1 5 ~~an~~ order and release the child if the court finds that ~~any of~~
~~1 6 the following circumstances exist:~~
1 7 a. ~~The the~~ purposes of the order have been accomplished
1 8 and the child is no longer in need of supervision, care, or
1 9 treatment.
1 10 b. ~~The purposes of the order cannot reasonably be~~
~~1 11 accomplished.~~
1 12 c. ~~The efforts made to effect the purposes of the order~~
~~1 13 have been unsuccessful and other options to effect the~~
~~1 14 purposes of the order are not available.~~
1 15 d. ~~The purposes of the order have been sufficiently~~
~~1 16 accomplished and the continuation of supervision, care, or~~
~~1 17 treatment is unjustified or unwarranted.~~

EXPLANATION

1 19 This bill repeals an expansion of authority granted to the
1 20 juvenile court in 2004 Iowa Acts, chapter 1154. Prior to the
1 21 expansion, the juvenile court had authority only to terminate
1 22 a child in need of assistance dispositional order if the court
1 23 found that the purposes of the order had been accomplished and
1 24 the child was no longer in need of supervision, care, or
1 25 treatment. The 2004 expansion deleted by the bill expanded
1 26 the juvenile court authority to modification of a
1 27 dispositional order or vacation and substitution of a
1 28 dispositional order. Under the expansion, the court has the
1 29 expanded authority if the court finds that the purposes of the
1 30 order cannot reasonably be accomplished, the efforts made to
1 31 effect the purposes of the order were unsuccessful and other
1 32 viable options are unavailable, or the purposes have been
1 33 sufficiently accomplished and the continuation of supervision,
1 34 care, or treatment is unjustified or unwarranted.
1 35 LSB 1167XC 81
2 1 jp/gg/14