

House Study Bill 538

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

A BILL FOR

1 An Act relating to case permanency plans, consent decrees, and
2 attendance at proceedings in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5504DP 82
5 jm/rj/8

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1 1 Section 1. Section 232.2, subsection 4, paragraph e, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 e. The most recent information available regarding the
1 4 child's health and education records, including the date the
1 5 records were supplied to the agency or individual who is the
1 6 child's foster care provider. If the child remains in foster
1 7 care until the age of majority, the child is entitled to
1 8 receive prior to discharge the most recent information
1 9 available regarding the child's health and educational
1 10 records.

1 11 Sec. 2. Section 232.46, subsection 4, Code 2007, is
1 12 amended to read as follows:
1 13 4. A consent decree shall remain in force for ~~six months~~
1 14 up to one year unless the child is sooner discharged by the
1 15 court or by the juvenile court officer or other agency or
1 16 person supervising the child. Upon application of a juvenile
1 17 court officer or other agency or person supervising the child
1 18 made prior to the expiration of the decree and after notice
1 19 and hearing, or upon agreement by the parties, a consent
1 20 decree may be extended for up to an additional six months year
1 21 by order of the court.

1 22 Sec. 3. Section 232.91, subsection 3, Code Supplement
1 23 2007, is amended to read as follows:
1 24 3. Any person who is entitled under section 232.88 to
1 25 receive notice of a hearing concerning a child shall be given
1 26 the opportunity to be heard in any other review or hearing
1 27 involving the child. A foster parent, relative, or other
1 28 individual with whom a child has been placed for preadoptive
1 29 care shall have the right to be heard in any proceeding
1 30 involving the child. If a child is of an age appropriate to
1 31 attend the hearing but the child does not attend, the court
1 32 shall determine if the child was informed of the child's right
1 33 to attend the hearing.

1 34 EXPLANATION
1 35 This bill relates to case permanency plans, consent
2 1 decrees, and notification in juvenile court.
2 2 The bill provides that a child who remains in foster care
2 3 until the age of majority may receive the most recent
2 4 information regarding the child's health and educational
2 5 records prior to discharge from juvenile court.
2 6 The bill provides that a consent decree entered into in
2 7 juvenile court in a juvenile delinquency proceeding shall
2 8 remain in force for up to one year unless the juvenile is
2 9 discharged by the court. The bill also provides that a
2 10 consent decree may be extended for up to an additional year.
2 11 Current law provides that a consent decree shall only remain
2 12 in force for six months and may be extended for an additional
2 13 six months.
2 14 A consent decree is an agreement entered into by a juvenile
2 15 in delinquency proceeding whereby the juvenile voluntarily
2 16 agrees to terms and conditions established by the court. If
2 17 the juvenile abides by the terms and conditions of the consent
2 18 decree the state cannot proceed against the juvenile for any
2 19 delinquent act alleged in the delinquency petition.

2 20 Under the bill, in any child in need of assistance
2 21 proceedings where the child does not attend and the child's
2 22 age is appropriate to attend such proceedings, the court shall
2 23 determine if the child was informed of the child's right to
2 24 attend.
2 25 LSB 5504DP 82
2 26 jm/rj/8