

House Study Bill 614

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

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

A BILL FOR

1 An Act relating to the involvement of the juvenile court and the
2 county attorney in certain child abuse cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5664HC 82
5 jp/nh/8

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1 1 Section 1. Section 232.71B, subsections 13 and 14, Code
1 2 2007, are amended to read as follows:
1 3 13. COURT-ORDERED AND VOLUNTARY SERVICES. ~~The Unless the~~
1 4 ~~juvenile court has determined the child to be a child in need~~
1 5 ~~of assistance and entered orders, the department shall may~~
1 6 ~~provide or arrange for and monitor voluntary services for~~
1 7 ~~abused children and their families on a voluntary basis or~~
1 8 ~~under. The department shall include as part of the written~~
1 9 ~~assessment a detailed safety plan identifying the voluntary~~
1 10 ~~services offered and provided to the child's family to prevent~~
1 11 ~~further abuse. The juvenile court may enter a final or~~
1 12 ~~intermediate order of the juvenile court as deemed necessary~~
1 13 ~~by the court for the protection of the child.~~

1 14 14. COUNTY ATTORNEY == JUVENILE COURT. The department
1 15 shall provide the juvenile court and the county attorney with
1 16 a copy of the portion of the written assessment pertaining to
1 17 the child abuse report and the written safety plan described
1 18 in subsection 13. The juvenile court shall review the
1 19 assessment and written safety plan and make a written finding
1 20 as to whether the safety plan is appropriate for the
1 21 protection of the child absent formal court oversight. The
1 22 juvenile court and the county attorney shall notify the
1 23 department of any action taken concerning an assessment
1 24 provided by the department.

1 25 Sec. 2. Section 232.71C, subsection 1, Code 2007, is
1 26 amended to read as follows:

1 27 1. a. If, upon completion of an assessment performed
1 28 under section 232.71B, the department, the juvenile court, or
1 29 the juvenile court's designee determines that the best
1 30 interests of the child require juvenile court action, the
1 31 department, the juvenile court, or the juvenile court's
1 32 designee shall act appropriately to initiate the action.

1 33 b. If, upon completion of an assessment performed under
1 34 section 232.71B, the department has determined in accordance
1 35 with section 232.71D that the alleged child abuse meets the
2 1 definition of child abuse and it is placed in the central
2 2 registry as a case of founded child abuse and the department
2 3 also finds that the child is at high risk of being abused
2 4 again, the department shall pursue the filing of a child in
2 5 need of assistance petition in accordance with section 232.87.

2 6 c. If at any time during the assessment process the
2 7 department, the juvenile court, or the juvenile court's
2 8 designee believes court action is necessary to safeguard a
2 9 child, the department, the juvenile court, or the juvenile
2 10 court's designee shall act appropriately to initiate the
2 11 action. The county attorney shall assist ~~the department~~ as
2 12 provided under section 232.90, subsection 2.

2 13 EXPLANATION

2 14 This bill relates to the involvement of the juvenile court
2 15 and the county attorney in certain child abuse cases.

2 16 Code section 232.71B, relating to the duties of the
2 17 department of human services upon receipt of a child abuse
2 18 report, is amended. Upon completion of the department's

2 19 assessment of the report, current law requires the department
2 20 to provide services for abused children and their families on
2 21 a voluntary basis. The bill requires the department to
2 22 document the voluntary services offered and provided to the
2 23 family to prevent further abuse in a detailed safety plan.
2 24 Current law requiring portions of the written assessment to be
2 25 provided to the county attorney and the juvenile court is
2 26 amended to also include the written safety plan. The juvenile
2 27 court is required to review the safety plan and enter a
2 28 written finding as to whether the safety plan is appropriate
2 29 for the protection of the child absent formal court oversight.
2 30 Code section 232.71C provides for court action following a
2 31 child abuse assessment. Current law requires the department
2 32 to initiate juvenile court action if during the assessment
2 33 process or upon completion of the process the department
2 34 determines the best interests of the child require the action.
2 35 The bill authorizes the juvenile court or the designee of the
3 1 juvenile court to also make such a determination and initiate
3 2 action. In addition, if a case of child abuse is entered in
3 3 the central registry as a case of founded abuse and the
3 4 department also finds the child is at high risk of being
3 5 abused again, the department is required to pursue the filing
3 6 of a child in need of assistance petition.
3 7 LSB 5664HC 82
3 8 jp/nh/8