

House File 32 - Introduced

HOUSE FILE 32
BY WINDSCHITL

A BILL FOR

1 An Act relating to children subject to a child in need of
2 assistance removal order relating to the use or presence of
3 methamphetamine.

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

1 Section 1. NEW SECTION. 232.106A **Methamphetamine residue.**

2 1. For the purposes of this section, unless the context
3 otherwise requires:

4 a. "*Child's home*" means the place of residence that a
5 child who has been the subject of an order under this division
6 transferring custody of the child for placement will return to
7 at the time the order is terminated, modified, or vacated.

8 b. "*Methamphetamine*" means methamphetamine, its salts,
9 isomers, or salts of its isomers and includes precursors
10 utilized in its manufacture.

11 2. The department shall adopt rules for determining when
12 a place of residence has methamphetamine residue present that
13 would pose a significant risk to the health or safety of a
14 child. The rules shall also provide standards for mitigating
15 such a risk.

16 3. If an order has been entered under this division
17 transferring the custody of a child for placement outside the
18 child's family residence following a determination that the
19 child is a child in need of assistance based wholly or in part
20 on any of the following circumstances, in order for the child
21 to be returned to the child's home, the child's home shall be
22 tested to determine if methamphetamine residue is present:

23 a. Methamphetamine was determined to be present in the
24 child's body.

25 b. There was methamphetamine use by the child's parent,
26 guardian, or custodian.

27 c. Methamphetamine was present in the home of the child's
28 parent, guardian, or custodian.

29 d. The record provides a compelling reason to believe there
30 is or was methamphetamine use by an immediate family member of
31 the child.

32 4. If it is determined through testing in accordance with
33 this section that methamphetamine residue is present in the
34 child's home that would pose a significant risk to the health
35 or safety of the child, the order for placement of the child

1 outside the child's family residence shall not be terminated,
2 modified, or vacated for the child to return to that residence
3 until the risk has been mitigated.

4

EXPLANATION

5 This bill relates to children subject to a child in need of
6 assistance removal order relating to the use or presence of
7 methamphetamine.

8 The bill defines the term "child's home" as the place
9 of residence that a child who has been the subject of a
10 dispositional order following a child in need of assistance
11 determination transferring custody of the child for placement
12 will return to at the time the order is terminated, modified,
13 or vacated. "Methamphetamine" is defined as methamphetamine,
14 its salts, isomers, or salts of its isomers and includes
15 precursors utilized in its manufacture.

16 The department of human services is required to adopt rules
17 for determining when a place of residence has methamphetamine
18 residue present that would pose a significant risk to the
19 health or safety of a child. The rules are also required to
20 provide standards for mitigating such a risk.

21 The bill requires testing of a child's home to determine if
22 methamphetamine residue is present. The testing requirement
23 applies when a child has been determined to be a child in need
24 of assistance based wholly or in part on various specified
25 factors involving methamphetamine, and an order has been
26 entered transferring the custody of the child for placement
27 outside the child's home.

28 If it is determined that methamphetamine residue is present
29 in the child's home that would pose a significant risk to the
30 health or safety of the child, the order for placement of
31 the child outside the child's home is prohibited from being
32 terminated, modified, or vacated for the child to return to
33 that residence until the risk has been mitigated.