

House Study Bill 38 - Introduced

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

A BILL FOR

1 An Act relating to the disposition of a child with mental
2 illness or mental retardation in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.51, Code 2011, is amended to read as
2 follows:

3 **232.51 Disposition of child with mental illness or mental**
4 **retardation.**

5 1. If the evidence received at an adjudicatory or a
6 dispositional hearing indicates that the child is mentally
7 ill, the court may direct the juvenile court officer or the
8 department to initiate proceedings or to assist the child's
9 parent or guardian to initiate civil commitment proceedings in
10 the juvenile court.—~~These and such~~ proceedings in the juvenile
11 court shall adhere to the requirements of chapter 229.

12 2. If the evidence received at an adjudicatory or a
13 dispositional hearing indicates that the child is mentally
14 retarded, the court may direct the juvenile court officer or
15 the department to initiate proceedings or to assist the child's
16 parent or guardian to initiate civil commitment proceedings in
17 the juvenile court.—~~These and such~~ proceedings shall adhere to
18 the requirements of chapter 222. ~~If the child is committed as~~
19 ~~a child with mental illness or mental retardation, any order~~
20 ~~adjudicating the child to have committed a delinquent act shall~~
21 ~~be set aside and the petition shall be dismissed.~~

22 EXPLANATION

23 This bill eliminates the requirement that a juvenile court
24 order adjudicating a child to have committed a delinquent act
25 shall be set aside and the petition shall be dismissed if that
26 child is civilly committed for treatment as a child with mental
27 retardation or mental illness.