Senate Study Bill 1230 - Introduced

A BILL FOR

1 An Act relating to the transfer of jurisdiction from the
2   juvenile court to the district court related to a child in
3   need of assistance case.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 232.103A **Transfer of jurisdiction**
2 **related to child in need of assistance case —— bridge order.**
3 1. The juvenile court may close a child in need of
4 assistance case by transferring jurisdiction over the child's
5 custody to the district court determining issues of legal
6 custody, physical care, and visitation through a bridge order,
7 if all of the following criteria are met:
8 *a.* The child has been adjudicated a child in need
9 of assistance in an active juvenile court case, and a
10 dispositional order in that case is in place.
11 *b.* Paternity of the child has been legally established.
12 *c.* The child is safely unified with a parent.
13 *d.* There is not a current district court order for custody
14 in place.
15 *e.* The juvenile court has determined that the child in need
16 of assistance case can safely close once there is a custody and
17 visitation order in place.
18 *f.* A parent qualified for a court appointed attorney in the
19 juvenile court case.
20 2. Any party to a child in need of assistance proceeding
21 in juvenile court may petition for a bridge order when the
22 criteria specified in subsection 1 are met. Such petition
23 shall be set for hearing no less than thirty days nor more than
24 ninety days from the filing date of the petition. The juvenile
25 court, on its own motion, may set a hearing on the issue of a
26 bridge order if such hearing is set no less than thirty days
27 from the date of notice to the parties.
28 3. The juvenile court shall designate the petitioner and
29 respondent for the purposes of the bridge order. A bridge
30 order shall only address matters of custody and visitation.
31 All other matters, including child support, shall be filed by
32 separate petition and shall be subject to existing applicable
33 statutory provisions.
34 4. Upon transferring jurisdiction from the juvenile court
35 to the district court, the clerk of court shall docket the

1 case. Filing fees and other court costs shall not be assessed
2 against the parties.
3   5. The district court shall take judicial notice of the
4 juvenile file in any hearing related to the case. Records
5 contained in the district court case file that were copied or
6 transferred from the juvenile court file concerning the case
7 shall be subject to section 232.147 and other confidentiality
8 provisions of this chapter for cases not involving juvenile
9 delinquency.
10   6. Following the issuance of a bridge order, a party
11 may file a motion for modification of the bridge order. If
12 the motion for modification is filed within one year of
13 the filing date of the bridge order, the party requesting
14 modification shall not be required to show a substantial change
15 of circumstances. If a motion for modification is filed
16 within one year of the filing date of the bridge order, filing
17 fees and other court costs shall not be assessed against the
18 parties.

19   EXPLANATION

20   **The inclusion of this explanation does not constitute agreement with**
21   **the explanation's substance by the members of the general assembly.**

22   This bill provides for the closing of a child in need of
23 assistance (CINA) case by transferring jurisdiction from the
24 juvenile court to the district court determining issues of
25 legal custody, physical care, and visitation through a bridge
26 order. In order to utilize a bridge order, the case must meet
27 all of the following criteria: the child has been adjudicated
28 a CINA in an active juvenile court case, and the dispositional
29 order is in place; paternity of the child has been legally
30 established; the child is safely unified with a parent; there
31 is not a current district court order for custody in place; the
32 juvenile court has determined that the CINA case can safely
33 close once there is a custody and visitation order in place;
34 and a parent qualified for a court appointed attorney in the
35 juvenile case.

1   Under the bill, any party to a child in need of assistance
2 proceeding in juvenile court may petition for a bridge order
3 when the criteria specified in the bill are met. Such a
4 petition is to be set for hearing no less than 30 days nor
5 more than 90 days from the filing date of the petition. The
6 juvenile court, on its own motion, may set a hearing on the
7 issue of a bridge order if such hearing is set no less than 30
8 days from the date of notice to the parties.
9   The bill provides that the juvenile court must designate
10 the petitioner and respondent for the purposes of the bridge
11 order and that the bridge order shall only address matters of
12 custody and visitation, with all other matters, including child
13 support, required to be filed by separate petition subject to
14 existing statutory provisions. The bill provides for docketing
15 of the case and that filing fees and other court costs shall
16 not be assessed against the parties.
17   The bill provides that the district court shall take
18 judicial notice of the juvenile file in any hearing related to
19 the case. Records contained in the district court case file
20 that were copied or transferred from the juvenile court file
21 concerning the case are subject to existing confidentiality
22 provisions under Code chapter 232 (juvenile justice) not
23 involving juvenile delinquency. The bill provides that
24 after a bridge order is filed a party may file a motion for
25 modification and if the motion is filed within one year of
26 the filing date of the bridge order, the party requesting
27 modification shall not be required to show a substantial change
28 of circumstances and filing fees and other court costs are not
29 to be assessed against the parties.