

House File 124 - Introduced

HOUSE FILE 124

BY SHIPLEY

A BILL FOR

1 An Act relating to expenses incurred in relation to certain
2 legal matters concerning a child under the jurisdiction of
3 the juvenile court.

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

1 Section 1. Section 232.29, subsection 4, Code 2023, is
2 amended to read as follows:

3 4. An informal adjustment agreement regarding a child who
4 has been placed in detention under section 232.22, subsection
5 1, paragraph "g", may include a provision that the child
6 voluntarily participate in a batterers' treatment program under
7 section 708.2B. A district department, as defined in section
8 708.2B, shall not assess fees for participation in a batterers'
9 treatment program against a child's parent, guardian, or
10 custodian if the child voluntarily participates in such a
11 program pursuant to this subsection.

12 Sec. 2. Section 232.141, subsection 1, Code 2023, is amended
13 to read as follows:

14 ~~1. Except as otherwise provided by law, the court shall~~
15 ~~inquire into the ability of the child or the child's parent~~
16 ~~to pay expenses incurred pursuant to subsections 2, 4, and~~
17 ~~8. After giving the parent a reasonable opportunity to be~~
18 ~~heard, the Juvenile court expenses shall be a charge upon the~~
19 ~~county in which the proceedings are held, and a court may shall~~
20 ~~not order the a parent to pay all or part of the costs of the~~
21 ~~a child's care, examination, treatment, legal expenses, or~~
22 ~~other expenses. An order entered under ~~this section~~ does not~~
23 ~~obligate a parent paying child support under a custody decree,~~
24 ~~except that part of the monthly support payment may be used to~~
25 ~~satisfy the obligations imposed by the order entered pursuant~~
26 ~~to ~~this section~~. If a parent fails to pay as ordered, without~~
27 ~~good reason, the court may proceed against the parent for~~
28 ~~contempt and may inform the county attorney who shall proceed~~
29 ~~against the parent to collect the unpaid amount. Any payment~~
30 ~~ordered by the court shall be a judgment against each of the~~
31 ~~child's parents and a lien as provided in ~~section 624.23~~. If~~
32 ~~all or part of the amount that the parents are ordered to pay is~~
33 ~~subsequently paid by the county or state, the judgment and lien~~
34 ~~shall thereafter be against each of the parents in favor of the~~
35 ~~county to the extent of the county's payments and in favor of~~

1 ~~the state to the extent of the state's payments.~~

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EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to expenses incurred in relation to
6 certain legal matters concerning a child under the jurisdiction
7 of the juvenile court.

8 The bill prohibits a court from assessing fees for
9 participation in a batterers' treatment program against
10 a child's parent, guardian, or custodian if that child
11 voluntarily participates in a batterers' treatment program
12 pursuant to the disposition of a complaint against a child who
13 enters into an informal adjustment for a delinquent act which
14 would constitute domestic or sexual abuse or domestic abuse
15 assault if committed by an adult.

16 The bill makes a county responsible for juvenile court
17 expenses relating to a child if the juvenile court proceedings
18 took place in that county and prohibits a court from ordering
19 a parent to pay all or part of the costs of the care,
20 examination, treatment, legal expenses, or other expenses for a
21 child subject to juvenile court proceedings.