

**Senate File 2270 - Introduced**

SENATE FILE 2270

BY J. TAYLOR

**A BILL FOR**

1 An Act relating to juvenile justice policies and procedures.

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

1 Section 1. Section 232.71B, subsection 4, paragraph a, Code  
2 2024, is amended by adding the following new subparagraphs:

3 NEW SUBPARAGRAPH. (3) If the allegation of child abuse  
4 came from the child claiming to be subject to the abuse, an  
5 assessment of the child by a psychologist licensed under  
6 chapter 154B.

7 NEW SUBPARAGRAPH. (4) If the allegation of child abuse  
8 constitutes physical abuse, an assessment of the child by a  
9 health practitioner to determine the extent of physical abuse.

10 Sec. 2. Section 232.141, subsection 4, Code 2024, is amended  
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *0c.* Expenses for a psychological examination  
13 of a child's parent, guardian, or custodian ordered by the  
14 court under section 232.197, subsection 4.

15 Sec. 3. NEW SECTION. **232.197 General policies and**  
16 **procedures.**

17 1. When a court or the department is making a determination  
18 related to a parent's, guardian's, or custodian's visitation  
19 or custody of a child removed from the parent, guardian, or  
20 custodian pursuant to this chapter, the court or the department  
21 shall restrict visitation, and the court shall not award  
22 custody to the extent the court or the department has found the  
23 parent, guardian, or legal custodian has exhibited a pattern  
24 of any of the following:

25 *a.* Mentally or physically abusive behavior.

26 *b.* Placing a child in danger due to the parent's,  
27 guardian's, or custodian's mental illness.

28 *c.* Aggressive behavior toward others.

29 *d.* Criminal behavior.

30 2. If a child's parent, guardian, or custodian is required  
31 to register as a sex offender under section 692A.103, when the  
32 court is making a determination under this chapter concerning  
33 the parent's, guardian's, or custodian's visitation rights to,  
34 or custody of, a child, there shall be a presumption that the  
35 parent, guardian, or custodian is unfit for visitation with or

1 custody of a child.

2 3. In any proceeding under this chapter, a court shall  
3 consider any record showing that a parent, guardian, or  
4 custodian engaged in domestic abuse as defined in section  
5 236.2, committed child abuse as defined in section 232.68, or  
6 was convicted for use of a controlled substance under chapter  
7 124, when making a determination relating to the parent,  
8 guardian, or custodian.

9 4. *a.* A court presiding over a proceeding under subchapter  
10 III, IV, or V, shall order a parent, guardian, or custodian  
11 subject to the proceeding to receive a psychological  
12 examination conducted by a psychologist licensed under chapter  
13 154B if the parent, guardian, or custodian has a record of any  
14 of the following:

- 15 (1) Engaging in domestic abuse as defined in section 236.2.
- 16 (2) Committing child abuse as defined in section 232.68.
- 17 (3) A conviction for use of a controlled substance under  
18 chapter 124.

19 *b.* The psychological examination required under paragraph  
20 "a" shall be completed within thirty calendar days from the date  
21 of the order requiring the psychological examination unless  
22 the parent, guardian, or custodian shows good cause for an  
23 extension. Failure to comply with this paragraph shall result  
24 in a denial of the parent's, guardian's, or custodian's custody  
25 and visitation rights for any child who is the subject of the  
26 proceeding for which the psychological evaluation was ordered.

27 *c.* The court shall hold a hearing to determine the parent's,  
28 guardian's, or custodian's ability to pay for a psychological  
29 examination ordered by the court under paragraph "a". If, after  
30 giving the parent, guardian, or custodian an opportunity to be  
31 heard, the court determines the parent, guardian, or custodian  
32 is unable to pay the costs of the psychological examination,  
33 the court shall order the department to provide the services  
34 of a psychologist licensed under chapter 154B to perform  
35 the psychological examination. A psychological examination

1 provided by the department under this paragraph shall be a  
2 charge upon the state and reimbursed according to section  
3 232.141, subsection 5.

4 5. An employee of the department whose primary  
5 responsibilities require direct contact with children during  
6 a proceeding under this chapter shall be required to receive  
7 training regarding the effects on, and symptoms of, trauma  
8 in children from a psychologist licensed under chapter 154B  
9 who specializes in childhood trauma. Training under this  
10 subsection shall be completed prior to the employee engaging in  
11 work with children under this chapter.

12 6. When a court is determining the truth of the allegation  
13 of child abuse that was reported by the child subject to  
14 the abuse, the court shall rely primarily on the assessment  
15 conducted by a psychologist under section 232.71B, subsection  
16 4, paragraph "a", subparagraph (3).

17 7. If a court order issued under this chapter allows a  
18 parent, guardian, or custodian who resides outside the state  
19 visitation rights with a child, the order shall specify that  
20 the visitation with the child shall only occur within this  
21 state.

22 8. A supervised visit ordered by a court or authorized by  
23 the department subsequent to the removal of a child from the  
24 custody of a parent, guardian, or custodian pursuant to this  
25 chapter shall not be supervised by any of the following:

26 a. A person who the court or the department determines has  
27 a close, personal relationship with the parent, guardian, or  
28 custodian from whom the child was removed.

29 b. A person required to register as a sex offender under  
30 section 692A.103.

31 c. A person convicted of a crime that involved physical  
32 injury to a person.

33 9. To the extent possible, the same judge shall preside over  
34 all hearings, make all determinations, and issue all orders  
35 related to a petition filed under this chapter.

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EXPLANATION

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

3

4 This bill relates to juvenile justice policies and  
5 procedures.

6 The bill requires if an allegation of child abuse comes from  
7 a child claiming to be subject to the abuse that a licensed  
8 psychologist perform an assessment of the child.

9 The bill requires if an allegation of child abuse  
10 constitutes physical abuse that a health practitioner perform  
11 an assessment of the child to determine the extent of physical  
12 abuse. The bill requires a psychological examination of a  
13 child's parent, guardian, or custodian ordered by a court to  
14 be reimbursed by the department of health and human services  
15 (HHS).

16 When a court or HHS is making a determination related to a  
17 parent's , guardian's , or custodian's visitation or custody  
18 of a child removed from the parent, guardian, or custodian  
19 under Code chapter 232 (juvenile justice), the bill requires  
20 the court or HHS to restrict visitation to, and the court to  
21 not award custody of, the child to the extent the court or HHS  
22 has found the parent, guardian, or custodian has exhibited a  
23 pattern of mentally or physically abusive behavior; placing a  
24 child in danger due to the parent's, guardian's, or custodian's  
25 mental illness; aggressive behavior toward others; or criminal  
26 behavior.

27 The bill creates the presumption that a child's parent,  
28 guardian, or custodian is unfit for visitation with or custody  
29 of a child if the parent, guardian, or custodian is required  
30 to register as a sex offender.

31 The bill requires a court or HHS to take any record of a  
32 parent, guardian, or custodian having engaged in domestic  
33 abuse, having committed child abuse, or having been convicted  
34 for use of a controlled substance into account when making a  
35 determination relating to the parent, guardian, or custodian.

1 The bill requires a court to order a parent, guardian, or  
2 custodian subject to a child in need of assistance proceeding,  
3 temporary custody of a child proceeding, or family in need of  
4 assistance proceeding to receive a psychological examination  
5 conducted by a licensed psychologist if the parent, guardian,  
6 or custodian has a record of engaging in domestic abuse,  
7 committing child abuse, or a conviction for use of a controlled  
8 substance. The psychological examination must be completed  
9 within 30 calendar days from the date of the order requiring  
10 the psychological examination unless the parent, guardian,  
11 or custodian shows good cause for an extension. Failure to  
12 comply will result in the denial of the parent's, guardian's,  
13 or custodian's custody and visitation rights for any child who  
14 is the subject of the proceeding for which the psychological  
15 evaluation was ordered. The court must hold a hearing to  
16 determine the parent's, guardian's, or custodian's ability to  
17 pay for a required psychological examination. If, after giving  
18 the parent, guardian, or custodian an opportunity to be heard,  
19 the court determines the parent, guardian, or custodian is  
20 unable to pay the costs of the psychological examination, HHS  
21 must provide the services of a licensed psychologist to perform  
22 the psychological examination at state expense.

23 The bill requires training relating to the effects of trauma  
24 on children from a licensed psychologist who specializes  
25 in childhood trauma for each HHS employee whose primary  
26 responsibilities require direct contact with children during a  
27 juvenile delinquency proceeding, a child in need of assistance  
28 proceeding, a temporary custody of a child proceeding, or a  
29 family in need of assistance proceeding. Training must be  
30 completed prior to the employee engaging in work with children.

31 The bill requires a court to rely primarily on a child's  
32 assessment conducted by a licensed psychologist when the court  
33 is determining the truth of an allegation of child abuse that  
34 was reported by the child subject to the abuse.

35 When a court order issued in a juvenile delinquency

1 proceeding, child in need of assistance proceeding, temporary  
2 custody of a child proceeding, or family in need of assistance  
3 proceeding allows a parent, guardian, or custodian who resides  
4 outside the state to have visitation rights with a child, the  
5 bill requires the order to specify that visitation with the  
6 child shall only occur within this state.

7 A supervised visit authorized by a court or HHS subsequent to  
8 the removal of a child from the custody of a parent, guardian,  
9 or custodian shall not be supervised by a person who the court  
10 or HHS determines has a close, personal relationship with the  
11 parent, guardian, or custodian from whom the child was removed;  
12 a person required to register as a sex offender; or a person  
13 convicted of a crime that involved physical injury to a person.

14 The bill requires, to the extent possible, for the same  
15 judge to preside over all hearings, make all determinations,  
16 and issue all orders related to a petition filed in a juvenile  
17 delinquency matter, a child in need of assistance matter, a  
18 temporary custody of a child matter, or a family in need of  
19 assistance matter.