

Senate File 328 - Introduced

SENATE FILE 328
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1066)

A BILL FOR

1 An Act relating to the modification of a bridge order issued
2 pursuant to a previous child in need of assistance case.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 232.103B Child in need of
2 assistance cases — transfer of jurisdiction pursuant to bridge
3 modification order.

4 1. A juvenile court may close a child in need of assistance
5 case by returning jurisdiction of the child's custody to the
6 district court through an order modifying issues of legal
7 custody, physical care, and parenting time if all of the
8 following criteria have been met:

9 a. The child has been adjudicated a child in need of
10 assistance in an active juvenile court case, and a permanency
11 order is in place in that case.

12 b. Legal paternity has been established for the child.

13 c. The child is safely unified with a parent.

14 d. The district court has issued an order concerning
15 custody, physical care, and parenting time regarding the child
16 and the order is in place at the time of the filing of the child
17 in need of assistance petition.

18 e. The juvenile court has determined that the child in need
19 of assistance case can safely close when the modified district
20 court order for custody, physical care, and parenting time is
21 in place.

22 f. Either parent has qualified for a court-appointed
23 attorney in the juvenile case.

24 2. When the criteria specified in subsection 1 are met, any
25 party to a child in need of assistance proceeding in juvenile
26 court may file a motion with the juvenile court for a bridge
27 modification order as described in subsection 1. Such motion
28 shall be set for hearing by the juvenile court no less than
29 thirty days but not more than ninety days from the date of
30 filing of the motion. The juvenile court, on its own motion,
31 may set a hearing on the issue of the bridge modification order
32 if such hearing is set no less than thirty days from the date of
33 notice to the parties.

34 3. Bridge modification orders shall only address legal
35 custody, physical care, and parenting time. All other matters,

1 including child support, shall be filed by separate petition
2 in district court, and shall be subject to existing statutory
3 requirements.

4 4. Upon transferring Jurisdiction, the clerk of court shall
5 docket the bridge modification order in the current district
6 court custodial order court file. The clerk of court shall
7 not assess any filing fees or other court costs. The juvenile
8 court shall follow the previously designated listing of the
9 parties as petitioner and as respondent for the purposes of the
10 bridge modification order.

11 5. The district court shall take judicial notice of the
12 current child in of assistance case related to the bridge
13 modification order, as well as any prior child in need of
14 assistance cases relating to any prior bridge orders in any
15 hearing related to the case. Records that are copied or
16 transferred from the juvenile court file shall be subject to
17 section 232.147 and other confidentiality provisions of this
18 chapter for cases not involving juvenile delinquency. Such
19 documents shall be disclosed, upon request, to the child
20 support recovery unit without a court order, subject to any
21 statutory confidentiality provisions.

22 6. Nothing in this section shall be construed to require the
23 appointment of counsel for the parties in the district court
24 action.

25 EXPLANATION

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

28 This bill relates to the ability of a juvenile court to
29 close a child in need of assistance (CINA) case by transferring
30 jurisdiction through modification of a bridge order issued
31 pursuant to a previous CINA case.

32 Under current law, a juvenile court may close a CINA case
33 by issuing a bridge order that would transfer jurisdiction to
34 the district court. If the child is subject to a subsequent
35 CINA case, the juvenile court is required to issue a new order

1 for the case and the court would have to rescind the previous
2 bridge order. The bill provides that if a bridge order
3 currently exists for a child in a CINA case, a juvenile court
4 may close a CINA case by returning jurisdiction of the child's
5 custody to the district court through an order modifying issues
6 of legal custody, physical care, and parenting time if the
7 child has been adjudicated a CINA in an active juvenile court
8 case, and a permanency order is in place in that case; legal
9 paternity has been established for the child; the child is
10 safely unified with a parent; the district court has issued an
11 order concerning custody, physical care, and parenting time
12 regarding the child and the order is in place at the time of the
13 filing of the CINA petition; the juvenile court has determined
14 that the CINA case can safely close when the modified district
15 court order for custody, physical care, and parenting time is
16 in place; and either parent has qualified for a court appointed
17 attorney in the juvenile case.

18 When all of the criteria as described in the bill are met,
19 the bill allows any party to a CINA proceeding in juvenile
20 court to file a motion with the juvenile court for a bridge
21 modification order to return jurisdiction to the district court
22 and close the CINA case. The bill requires such a motion to be
23 set for hearing by the juvenile court no less than 30 days but
24 not more than 90 days from the date of filing of the motion.
25 The juvenile court, on its own motion, may set a hearing on the
26 issue of the bridge modification order if such hearing is set
27 no less than 30 days from the date of notice to the parties.

28 The bill limits bridge modification orders to only address
29 matters of legal custody, physical care, and parenting time.
30 All other matters, including child support, shall be filed by
31 separate petition in district court and shall be subject to
32 existing statutory requirements.

33 The bill requires the clerk of court, upon receiving
34 jurisdiction of a transferred CINA case, to docket the bridge
35 modification order in the current district court custodial

1 order court file. The bill prohibits the clerk of court from
2 assessing any filing fees or other court costs. The bill
3 requires the juvenile court to follow the previously designated
4 listing of the parties as petitioner and as respondent for the
5 purposes of the bridge modification order.

6 The bill requires the district court to take judicial notice
7 of the CINA case related to the bridge modification order,
8 as well as any prior CINA cases relating to any prior bridge
9 orders in any hearing related to the case. Records that are
10 copied or transferred from the juvenile court file shall be
11 subject to Code chapter 232 (juvenile justice) confidentiality
12 provisions for cases not involving juvenile delinquency. The
13 bill requires such documents to be disclosed, upon request, to
14 the child support recovery unit without a court order, subject
15 to any statutory confidentiality provisions.

16 The bill does not require the appointment of counsel for the
17 parties in the district court action.