

27 the volume of work in the several counties. ~~Such officers may be paid~~
 28 ~~not to exceed fourteen thousand dollars per year.~~

29 All probation officers so appointed shall serve at the pleasure of the
 30 ~~juvenile court judge or judges~~ *probation officer committee appointed*
 31 *by the chief judge of the judicial district* and shall be selected and
 32 appointed in accordance with such rules, standards, and qualifications
 33 as shall be established by the supreme court pursuant to section 684.21.
 34 The provision of this section shall not affect in any way the appoint-
 35 ment or term of office of any probation officer presently serving in any
 36 county or counties.

37 Such secretarial ~~and~~, clerical, *and other* help as may be needed in
 38 the administration of any probation office may be appointed by the
 39 judge or judges of the juvenile court who may fix their salaries, subject
 40 to the approval of the board of supervisors; ~~at not more than nine~~
 41 ~~thousand dollars per year.~~

Approved June 16, 1975

CHAPTER 142

JUVENILES

S. F. 358

AN ACT relating to neglected, dependent, and delinquent children.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred thirty-two point two (232.2), sub-
 2 section twelve (12), Code 1975, is amended by striking paragraphs c
 3 and d.

1 SEC. 2. Section two hundred thirty-two point two (232.2), subsec-
 2 tions thirteen (13) and fourteen (14), Code 1975, are amended by strik-
 3 ing the subsections and inserting in lieu thereof the following:

4 13. "Child in need of assistance" means a child:

5 a. Who is without a parent, guardian, or other custodian.

6 b. Who is in need of special care and treatment required by his
 7 physical or mental condition which the parents, guardian, or other cus-
 8 todian is unable to provide.

9 c. Whose parents, guardian, or other custodian for good cause de-
 10 sires to be relieved of his care and custody.

11 d. Who is abandoned by his parents, guardian, or other custodian.

12 e. Who for good cause desires to have his parents relieved of his care
 13 and custody.

14 f. Who is without proper parental care because of the emotional,
 15 mental, or physical disability, or state of immaturity of his parents,
 16 guardian, or other custodian.

17 g. Who is without proper parental care because of the faults or hab-
 18 its of his parents, guardian, or other custodian.

19 h. Who is living under conditions injurious to his mental or physical
 20 health or welfare.

21 i. Who is uncontrolled by his parents, guardian, or legal custodian
 22 by reason of being wayward or habitually disobedient.

23 j. Who habitually deports himself in a manner that is injurious to
 24 himself or others.

1 SEC. 3. Section two hundred thirty-two point twenty-one (232.21),
2 Code 1975, is amended to read as follows:

3 **232.21 Juvenile home may be maintained.** County boards of
4 supervisors may either singly or in conjunction with one or more other
5 counties provide and maintain, separate, apart, and outside the enclo-
6 sure of any jail or police station, a suitable juvenile home for ~~depen-~~
7 ~~dent, neglected, children in need of assistance~~ and delinquent
8 children. Such a home shall be constructed so far as practicable so that
9 children requiring detention shall be separated from the children re-
10 quiring shelter.

1 SEC. 4. Section two hundred thirty-two point thirty (232.30), Code
2 1975, is amended to read as follows:

3 **232.30 Presence of child waived.** Except in delinquency pro-
4 ceedings ~~based on the alleged commission of a public offense~~, the court
5 may waive the presence of the child in the court at any stage of the
6 proceedings when the court deems it in the best interests of the child.
7 In delinquency proceedings if the child is found to be delinquent, the
8 court after the finding of delinquency is made may excuse the presence
9 of the child from the hearing when the court deems it in the best inter-
10 ests of the child. In any proceedings, the court may temporarily excuse
11 the presence of the parents or guardian of a child from the hearing
12 when the court deems it in the best interests of the child. The attorney
13 or guardian ad litem, if any, has the right to continue to participate in
14 proceedings during the absence of the child, parents, or guardian.

1 SEC. 5. Section two hundred thirty-two point thirty-one (232.31),
2 Code 1975, is amended to read as follows:

3 **232.31 Evidence by child and parents.** The child and his par-
4 ents, guardian, or custodian are entitled to be heard, to present evi-
5 dence material to the case, and to question witnesses appearing at the
6 hearing.
7 The court's finding with respect to ~~neglect, dependency, and delin-~~
8 ~~quency child in need of assistance~~ shall be based upon clear and con-
9 vincing evidence under the rules applicable to the trial of civil cases,
10 provided that relevant and material information of any nature includ-
11 ing that contained in reports, studies, or examinations may be admit-
12 ted and relied upon to the extent of its probative value. When
13 information contained in a report, study, or examination is admitted
14 in evidence, the person making such a report, study, or examination
15 shall be subject to both direct and cross-examination when reasonably
16 available. *The court's finding with respect to delinquency shall be*
17 *based on the evidentiary standard of beyond a reasonable doubt.*

1 SEC. 6. Section two hundred thirty-two point thirty-three (232.33),
2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 **232.33 Disposition of case of neglect or dependency child in**
5 **need of assistance.** If the court finds that the child is ~~neglected or~~
6 ~~dependent, in need of assistance~~ the court shall enter an order mak-
7 ing any one or more of the following dispositions of the case:

1 SEC. 7. Section two hundred thirty-two point forty-one (232.41),
2 paragraph e,* Code 1975, is amended to read as follows:

3 e. That following an adjudication of ~~neglect or dependency~~ *that a*
4 *child is in need of assistance*, reasonable efforts under the direction
5 of the court have failed to correct the conditions leading to the termi-
6 nation.

*According to enrolled Act

1 SEC. 8. Section two hundred thirty-two point forty-seven (232.47),
2 Code 1975, is amended to read as follows:

3 **232.47 Order of court.** If after a hearing the court does not ter-
4 minate the parent-child relationship but determines that ~~conditions of~~
5 ~~neglect or dependency exist~~ *the child is in need of assistance*, the
6 court ~~may find the child neglected or dependent and~~ may enter an order
7 in accordance with the provisions of section 232.33.

1 SEC. 9. Section two hundred thirty-two point fifty-five (232.55),
2 Code 1975, is amended to read as follows:

3 **232.55 Petitions and reports segregated.** The proceedings concern-
4 ing delinquency petitions filed ~~by parents~~ and petitions concerning
5 ~~neglected or dependent children~~ *children in need of assistance*; the
6 reports of juvenile court probation officers, social workers, doctors, and
7 psychologists; and the reports of juvenile homes shall not be public
8 records, but the court may make them public in its discretion.

1 SEC. 10. Section two hundred thirty-two point sixty-three (232.63),
2 Code 1975, is amended to read as follows:

3 **232.63 When jurisdiction is exclusive.** The juvenile court shall
4 have exclusive original jurisdiction, only, in proceedings concerning
5 any child alleged to be delinquent; ~~neglected, or dependent or a child~~
6 ~~alleged to be in need of assistance~~, and in proceedings for termina-
7 tion of parental rights under sections 232.41 through 232.50, and in pro-
8 ceedings concerning any minor alleged to have been a delinquent prior
9 to having become eighteen years of age except as otherwise provided
10 by law.

1 SEC. 11. Section two hundred thirty-two point sixty-eight (232.68),
2 Code 1975, is amended to read as follows:

3 **232.68 Venue.** Venue for ~~neglect, dependency~~ *children in need*
4 *of assistance* and delinquent proceedings shall be in the county where
5 the minor is found or in the county of the minor's residence. If a minor
6 is alleged to be delinquent, the county where the alleged delinquency
7 occurred shall also have venue.

1 SEC. 12. Section two hundred thirty-two point sixty-nine (232.69),
2 Code 1975, is amended to read as follows:

3 **232.69 Transfer of venue.** The judge may transfer any proceed-
4 ings brought under this chapter to the court of any county having ven-
5 ue at any stage of the proceedings and in the following manner:

6 1. When it appears that the best interests of the minor, society, or
7 the convenience of the proceedings shall be served by a transfer, the
8 court may transfer the case to the court of the county of the minor's
9 residence.

10 2. With the consent of the receiving court, the court may transfer the
11 case to the court of the county where the minor is found.

12 3. With the consent of the receiving court, the court may transfer the
13 case to the county where the alleged delinquency occurred ~~if an alleged~~
14 ~~delinquency is based on the commission of a public offense.~~

1 SEC. 13. Chapter two hundred thirty-two (232), Code 1975, shall be
2 titled "CHILDREN IN NEED OF ASSISTANCE AND DELINQUENT CHILDREN".

1 SEC. 14. Chapter two hundred thirty-two (232), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Placement of a child in need of assis-**
4 **tance.** Notwithstanding the provisions of section two hundred thirty-
5 two point thirty-three (232.33), subsections four (4) and five (5) of the

6 Code, a minor adjudicated as a child in need of assistance shall not be
7 placed in the Iowa training school for boys, or the Iowa training school
8 for girls.

Approved July 18, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 143

VEHICLE ACCIDENTS REPORTED

S. F. 18

AN ACT relating to the reporting of vehicle accidents.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point two hundred
2 sixty-six (321.266), unnumbered paragraph two (2), Code 1975, is
3 amended to read as follows:

4 The driver of a vehicle involved in an accident resulting in injury to
5 or death of any person, or total property damage to an apparent ex-
6 tent of ~~one~~ two hundred fifty dollars or more shall also, within ~~twenty-~~
7 ~~four~~ seventy-two hours after such accident, forward a written report of
8 such accident to the department.

1 SEC. 2. Section three hundred twenty-one A point five (321A.5),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. The director shall, immediately or within sixty days after the re-
4 ceipt of a report of a motor vehicle accident within this state which has
5 resulted in bodily injury or death or damage to the property of any
6 one person in excess of ~~one~~ two hundred fifty dollars, suspend the li-
7 cense of each operator and all registrations of each owner of a motor
8 vehicle in any manner involved in such accident, and if such operator
9 is a nonresident the privilege of operating a motor vehicle within this
10 state, and if such owner is a nonresident the privilege of the use within
11 this state of any motor vehicle owned by him, unless such operator or
12 owner or both shall deposit security in a sum which shall be sufficient
13 in the judgment of the director to satisfy any judgment or judgments
14 for damages resulting from such accident as may be recovered against
15 such operator or owner; provided notice of such suspension shall be
16 sent by the director to such operator and owner not less than ten days
17 prior to the effective date of such suspension and shall state the
18 amount required as security.

Approved July 19, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code