

CHAPTER 10

CHILDREN WITH MENTAL ILLNESS OR RETARDATION — JUVENILE COURT DISPOSITION

S.F. 327

AN ACT relating to the disposition of a child with mental illness or mental retardation in juvenile court.

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

Section 1. Section 232.51, Code 2011, is amended to read as follows:

232.51 Disposition of child with mental illness or mental retardation.

1. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court. ~~These and such~~ proceedings in the juvenile court shall adhere to the requirements of chapter 229.

2. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally retarded, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court. ~~These and such~~ proceedings shall adhere to the requirements of chapter 222. ~~If the child is committed as a child with mental illness or mental retardation, any order adjudicating the child to have committed a delinquent act shall be set aside and the petition shall be dismissed.~~

3. *a.* If prior to the adjudicatory or dispositional hearing on the pending delinquency petition, the child is committed as a child with a mental illness or mental retardation and is ordered into a residential facility, institution, or hospital for inpatient treatment, the delinquency proceeding shall be suspended until such time as the juvenile court either terminates the civil commitment order or the child is released from the residential facility, institution, or hospital for purposes of receiving outpatient treatment.

b. During any time that the delinquency proceeding is suspended pursuant to this subsection, any time limits for speedy adjudicatory hearings and continuances shall be tolled.

c. This subsection shall not apply to waiver hearings held pursuant to section 232.45.

Approved March 30, 2011