

MAR 4 2005

JUDICIARY

HOUSE FILE 595

BY DRAKE

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act requiring certain safety-related information concerning a
 2 child to be provided to a parent, guardian, or foster parent
 3 or other custodian of a child.

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

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1 Section 1. Section 232.48, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. A predisposition report shall not be disclosed except
4 as provided in this section and in division VIII of this
5 chapter. The court shall permit the child's attorney to
6 inspect the predisposition report prior to consideration by
7 the court. The court may order counsel not to disclose parts
8 of the report to the child, or to the child's parent,
9 guardian, guardian ad litem, or custodian if the court finds
10 that disclosure would seriously harm the treatment or
11 rehabilitation of the child. If the report indicates the
12 child has behaved in a manner that threatened the safety of
13 another person, unless otherwise ordered by the court, the
14 child's parent, guardian, or foster parent or other person
15 with custody of the child shall be informed of the behavior.

16 Sec. 2. Section 232.49, subsection 1, Code 2005, is
17 amended to read as follows:

18 1. Following the entry of an order of adjudication under
19 section 232.47 the court may, after a hearing which may be
20 simultaneous with the adjudicatory hearing, order a physical
21 or mental examination of the child if it finds that an
22 examination is necessary to determine the child's physical or
23 mental condition. The court may consider chemical dependency
24 as either a physical or mental condition and may consider a
25 chemical dependency evaluation as either a physical or mental
26 examination. If the examination indicates the child has
27 behaved in a manner that threatened the safety of another
28 person, unless otherwise ordered by the court, the child's
29 parent, guardian, or foster parent or other person with
30 custody of the child shall be informed of the behavior.

31 Sec. 3. Section 232.97, subsection 3, Code 2005, is
32 amended to read as follows:

33 3. The social report shall not be disclosed except as
34 provided in this section and except as otherwise provided in
35 this chapter. Prior to the hearing at which the disposition

1 is determined, the court shall permit counsel for the child,
2 counsel for the child's parent, guardian, or custodian, and
3 the guardian ad litem to inspect any social report to be
4 considered by the court. The court may in its discretion
5 order counsel not to disclose parts of the report to the
6 child, or to the parent, guardian, or custodian if disclosure
7 would seriously harm the treatment or rehabilitation of the
8 child or would violate a promise of confidentiality given to a
9 source of information. If the report indicates the child has
10 behaved in a manner that threatened the safety of another
11 person, unless otherwise ordered by the court, the child's
12 parent, guardian, or foster parent or other person with
13 custody of the child shall be informed of the behavior.

14 Sec. 4. Section 232.181, Code 2005, is amended to read as
15 follows:

16 232.181 SOCIAL HISTORY REPORT.

17 Upon the filing of a petition, the department shall submit
18 a social history report regarding the child and the child's
19 family. The report shall include a description of the child's
20 disability and resultant functional limitations, the case
21 permanency plan, a description of the proposed foster care
22 placement, and a description of family participation in
23 developing the child's case permanency plan and the commitment
24 of the parent, guardian, or custodian in fulfilling the
25 responsibilities defined in the plan. If the report indicates
26 the child has behaved in a manner that threatened the safety
27 of another person, unless otherwise ordered by the court, the
28 child's parent, guardian, or foster parent or other person
29 with custody of the child shall be informed of the behavior.

30 EXPLANATION

31 This bill amends Code chapter 232, the juvenile justice
32 code, to provide that if a report or examination concerning a
33 child indicates the child behaved in a manner that threatened
34 the safety of another person, a parent, guardian, or foster
35 parent or other custodian of the child is to be informed

1 unless ordered otherwise by the court.

2 The authorization is provided in Code section 232.48,
3 relating to the predisposition report prepared concerning a
4 child found to have committed a delinquent act; Code section
5 232.49, relating to the physical or mental examination of a
6 child found to have committed a delinquent act; Code section
7 232.92, relating to the social report prepared concerning a
8 child adjudicated as a child in need of assistance; and Code
9 section 232.181, relating to voluntary placement by the court
10 of a child with a disability.

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