

MAR 8 2005
HUMAN RESOURCES

HOUSE FILE 637
BY GASKILL

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

A BILL FOR

1 An Act requiring certain information to be provided to the
2 parent, guardian, or custodian of a child who is removed
3 without a court order or is removed by an emergency court
4 order and providing an applicability date.

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

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HF 637

1 Section 1. Section 232.19, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. At the time of taking a child into
4 custody, the person taking the child into custody shall
5 provide the child's parent, guardian, or custodian with the
6 standard written information regarding child removal developed
7 pursuant to section 232.192.

8 Sec. 2. Section 232.78, Code 2005, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 8. At the time of taking a child into
11 custody, the person taking the child into custody shall
12 provide the child's parent, guardian, or custodian with the
13 standard written information regarding child removal developed
14 pursuant to section 232.192.

15 Sec. 3. Section 232.79, Code 2005, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 6. At the time of taking a child into
18 custody, the person taking the child into custody shall
19 provide the child's parent, guardian, or custodian with the
20 standard written information regarding child removal developed
21 pursuant to section 232.192.

22 Sec. 4. NEW SECTION. 232.192 CHILD REMOVAL -- STANDARD
23 WRITTEN INFORMATION.

24 1. The director of human services and the chief justice of
25 the supreme court or their designees shall jointly establish a
26 task force to develop standard written information to be
27 provided to the parent, guardian, or custodian of a child who
28 is removed in accordance with section 232.19, 232.78, or
29 232.79. The task force membership shall include persons
30 involved with the child welfare and juvenile justice systems,
31 including but not limited to departmental field staff,
32 juvenile court officers, representatives of the Iowa state bar
33 association, county attorneys, and peace officers.

34 2. The standard written information developed by the task
35 force shall explain the legal requirements and typical process

1 connected with the removal of a child, including the legal
2 rights and responsibilities of the child and the child's
3 parent, guardian, or custodian relative to the removal and to
4 proceedings that may take place following the removal. The
5 written information shall be brief and utilize plain language
6 that can be easily understood by a layperson. The written
7 information shall be made widely available without charge in a
8 form that can be easily reproduced by anyone required to
9 provide information to a child's parent, guardian, or
10 custodian regarding the child's removal.

11 3. The director of human services and the chief justice of
12 the supreme court or their designees shall periodically
13 convene a successor task force to review and revise the
14 standard written information to reflect current law and
15 practice.

16 Sec. 5. APPLICABILITY.

17 1. The director of human services and the chief justice of
18 the supreme court or their designees shall act expeditiously
19 to establish the task force required by section 232.192, as
20 enacted by this Act. The standard written information
21 developed by the task force shall be publicly issued on or
22 before December 15, 2005.

23 2. The amendments to sections 232.19, 232.78, and 232.79,
24 by this Act, first apply to persons taking children into
25 custody under those sections on or after January 1, 2006.

26 EXPLANATION

27 This bill requires standard information regarding child
28 removal to be provided to the parent, guardian, or custodian
29 of a child who is removed without a court order or removed by
30 an emergency court order, under Code chapter 232, the juvenile
31 justice code.

32 These removals are authorized for a peace officer, juvenile
33 court officer, or juvenile parole officer under Code section
34 232.19, relating to taking a child into custody under a court
35 order, for a child committing a delinquent act subject to

1 arrest, for a child believed to have run away from home, and
2 for a child believed to have materially violated a court
3 order; for a peace officer or a juvenile court officer acting
4 under direction of an ex parte order entered under Code
5 section 232.78 when there is a risk of danger to the child or
6 of flight; and for a peace officer, juvenile court officer,
7 physician treating a child, and others who may take temporary
8 custody of a child under Code section 232.79, when a child is
9 in a circumstance or condition that presents an imminent
10 danger to the child's life or health and there is not enough
11 time to apply for an ex parte order under Code section 232.78.

12 The bill requires the person removing the child to provide
13 the child's parent, guardian, or custodian with the standard
14 written information developed pursuant to the bill regarding
15 child removal. The information must be provided at the time
16 of the child's removal. The requirement is first applicable
17 to removals of children made on or after January 1, 2006.

18 New Code section 232.190 requires the director of human
19 services and the chief justice of the supreme court or their
20 designees to jointly establish a task force to develop the
21 standard written information. Various persons working in the
22 child welfare and juvenile justice systems are required to be
23 part of the task force. The task force is to be reestablished
24 periodically to revise the standard information. The initial
25 information is to be made publicly available on or before
26 December 15, 2005.

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