

FEB 15 2006  
JUDICIARY

HOUSE FILE 2370  
BY KRESSIG and FOEGE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the temporary custody of a child pursuant to  
2 an ex parte court order.

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

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HF 2370

1 Section 1. Section 232.78, subsection 1, paragraph b,  
2 subparagraph (1), Code 2005, is amended to read as follows:

3 (1) The refusal or failure of the person responsible for  
4 the care of the child to comply with the request of a peace  
5 officer, juvenile court officer, or child protection worker  
6 for such person to obtain and provide to the requester the  
7 results of a physical or mental examination of the child. The  
8 request for a physical examination of the child may specify  
9 the performance of a medically relevant test. However, if  
10 there is reasonable cause to believe that the person  
11 responsible for the care of the child will attempt to obstruct  
12 or unduly influence the performance of an examination of the  
13 child or the provision of the results of the examination, the  
14 court may authorize a physical or mental examination of the  
15 child without a request being made to such person.

16 EXPLANATION

17 This bill relates to the grounds for a peace officer or a  
18 juvenile court officer to take temporary custody of a child  
19 pursuant to an ex parte court order under Code section 232.78.  
20 The term "ex parte" means the order was entered after a  
21 hearing in which one party is present and without notice to or  
22 contestation by any person adversely interested.

23 The bill addresses circumstances under the grounds for  
24 authorizing such order when it appears that the child's  
25 immediate removal is necessary to avoid imminent danger to the  
26 child's life or health. One of the circumstances or  
27 conditions indicating the presence of such imminent danger  
28 involves the refusal or failure of the person responsible for  
29 the care of the child to comply with the request of a peace  
30 officer, juvenile court officer, or child protection worker  
31 for such person to obtain and provide to the requester the  
32 results of a physical or mental examination of the child. The  
33 bill authorizes the court to issue the ex parte order for a  
34 physical or mental examination of the child with that request  
35 when there is reasonable cause to believe that the responsible

1 person will attempt to obstruct or unduly influence the  
2 performance of the examination of the child or the provision  
3 of the results of the examination.

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