

JAN 24 2002

JUDICIARY

HOUSE FILE 2113

BY LARSON

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to an ex parte order for temporary removal of a
2 child in child abuse cases involving the presence of an
3 individual who is cohabiting with the child's parent,
4 guardian, or custodian.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF-2113

1 Section 1. Section 232.78, subsection 1, paragraph b, Code
2 Supplement 2001, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (3) It has been reported or alleged
5 that a person responsible for the care of the child abused the
6 child, such person resides with the child, and the child's
7 parent, guardian, or custodian is cohabiting with an
8 individual to whom the parent, guardian, or custodian is not
9 married, while the child is present in the household.

10 EXPLANATION

11 This bill relates to an ex parte order for temporary
12 removal of a child under Code section 232.78 in cases
13 involving the presence of a person who is cohabiting with the
14 child's parent, guardian, or custodian.

15 In current law, Code section 232.78 provides that the
16 juvenile court may enter an ex parte order for temporary
17 removal of a child if these circumstances are present: the
18 person responsible for the care of the child is absent, or
19 refused to consent to the removal of the child or there is
20 reasonable cause to believe that a request for consent would
21 further endanger the child, or there is reasonable cause to
22 believe that a request for consent will cause the parent,
23 guardian, or legal custodian to take flight with the child;
24 and it appears that the child's immediate removal is necessary
25 to avoid imminent danger to the child's life or health.

26 The bill provides that the circumstances or conditions
27 indicating the presence of such imminent danger include cases
28 in which it has been reported or alleged that a person
29 responsible for the care of the child abused the child, the
30 person resides with the child, and the child's parent,
31 guardian, or custodian is cohabiting with an individual to
32 whom the parent, guardian, or custodian is not married, while
33 the child is present in the household.

34
35