

Boddiken, Chair

HSB 571

JUDICIARY

*Grundberg
Chudde*

SENATE/HOUSE FILE *508*
BY (PROPOSED ATTORNEY GENERAL
BILL)

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

A BILL FOR

1 An Act relating to the admissibility of evidence in a child in
2 need of assistance proceeding.

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

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1 Section 1. Section 232.55, subsection 2, unnumbered
2 paragraph 1, Code 2001, is amended to read as follows:
3 Adjudication and disposition proceedings under this
4 division are not admissible as evidence against a person in a
5 subsequent proceeding in any other court before or after the
6 person reaches majority except. However, adjudication and
7 disposition proceedings are admissible in a child in need of
8 assistance proceeding if the ability of the person to care for
9 the child is at issue, and in a sentencing proceeding after
10 conviction of the person for an offense other than a simple or
11 serious misdemeanor. Adjudication and disposition proceedings
12 may properly be included in a presentence investigation report
13 prepared pursuant to chapter 901 and section 906.5.

14 EXPLANATION

15 This bill relates to the admissibility of evidence in a
16 child in need of assistance case.
17 The bill provides that if a person has previously been
18 adjudicated a delinquent, the delinquency proceedings shall be
19 admissible against the person in a subsequent court hearing if
20 the hearing involves a child in need of assistance case where
21 the ability of the person to care for the child is at issue.
22 Current law only permits the admissibility of delinquency
23 proceedings in a subsequent criminal sentencing hearing if the
24 criminal offense is greater than a serious misdemeanor.

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THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

ADDRESS REPLY TO:
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DES MOINES, IOWA 50319
TELEPHONE: 515/281-5164
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MEMORANDUM

To: Members of the General Assembly
From: Marilyn Lantz, Legislative Liaison
Date: January 14, 2002
Subject: Juvenile Delinquency Records

A juvenile delinquency adjudication is not considered to be a criminal conviction and so does not result in the civil disabilities an adult criminal conviction would. This is premised on an understanding that most people do mature and become more responsible as they get older and a belief that a mistake made in a person's youth should not be a lifetime bar to voting and otherwise fully participating in civic life.

Delinquency proceedings are not admissible as evidence against the person in later court actions, except in criminal sentencing proceedings when the person has been convicted of an aggravated misdemeanor or a felony. This is a public safety exception.

The current proposal would create a second public safety exception. That exception would be juvenile court child in need of assistance cases in which the issue is the ability of the person to safely care for the child who is the subject of the C.I.N.A. action.

A teenager with a history of violent or sexually abusive behavior may become a parent. The care and safety of that teenager's child may be an issue for the juvenile court in a child in need of assistance action. In such a case, the young parent's history may be relevant to the court's determination of whether the baby will be safe. In such a case, the safety of the smaller child should outweigh the need to protect the young parent.

FEB 25 2002
Place On Calendar

3/6/02 Rereferred To: Judiciary

HOUSE FILE 2508
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 571)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

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HF 2508

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