

CHAPTER 43

CHILD IN NEED OF ASSISTANCE CASES — TRANSFER TO DISTRICT COURT

S.F. 451

AN ACT relating to the transfer of jurisdiction from the juvenile court to the district court related to a child in need of assistance case.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 232.103A Transfer of jurisdiction related to child in need of assistance case — bridge order.

1. The juvenile court may close a child in need of assistance case by transferring jurisdiction over the child's custody, physical care, and visitation to the district court through a bridge order, if all of the following criteria are met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case, and a dispositional order in that case is in place.

b. Paternity of the child has been legally established, including by operation of law due to the individual's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law.

c. The child is safely placed by the juvenile court with a parent.

d. There is not a current district court order for custody in place.

e. The juvenile court has determined that the child in need of assistance case can safely close once orders for custody, physical care, and visitation are entered by the district court.

f. A parent qualified for a court-appointed attorney in the juvenile court case.

2. When the criteria specified in subsection 1 are met, any party to a child in need of assistance proceeding in juvenile court may file a motion with the juvenile court for a bridge order under subsection 1. Such motion shall be set for hearing by the juvenile court no less than thirty days nor more than ninety days from the date of filing the motion. The juvenile court, on its own motion, may set a hearing on the issue of a bridge order if such hearing is set no less than thirty days from the date of notice to the parties.

3. The juvenile court shall designate the petitioner and respondent for the purposes of the bridge order. A bridge order shall only address matters of custody, physical care, and visitation. All other matters, including child support, shall be filed by separate petition or by action of the child support recovery unit, and shall be subject to existing applicable statutory provisions.

4. Upon transferring jurisdiction from the juvenile court to the district court, the clerk of court shall docket the case. Filing fees and other court costs shall not be assessed against the parties.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency, and shall be disclosed, upon request, to the child support recovery unit without a court order.

6. Following the issuance of a bridge order, a party may file a petition in district court for modification of the bridge order for custody, physical care, or visitation. If the petition for modification is filed within one year of the filing date of the bridge order, the party requesting modification shall not be required to demonstrate a substantial change of circumstances but instead shall demonstrate that such modification is in the best interest of the child. If a petition for modification is filed within one year of the filing date of the bridge order, filing fees and other court costs shall not be assessed against the parties.

7. Nothing in this section shall be construed to require appointment of counsel for the parties in the district court action.

Approved April 17, 2015