

Senate File 2298 - Reprinted

SENATE FILE 2298
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3025)

(As Amended and Passed by the Senate February 22, 2010)

A BILL FOR

1 An Act relating to the attendance of a child at juvenile court
2 hearings or meetings during the pendency of a child in need
3 of assistance case.

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

1 Section 1. Section 232.91, subsection 3, Code 2009, is
2 amended to read as follows:

3 3. Any person who is entitled under section 232.88 to
4 receive notice of a hearing concerning a child shall be given
5 the opportunity to be heard in any other review or hearing
6 involving the child. A foster parent, relative, or other
7 individual with whom a child has been placed for preadoptive
8 care shall have the right to be heard in any proceeding
9 involving the child. If a child is of an age appropriate to
10 attend the hearing but the child does not attend, the court
11 shall determine if the child was informed of the child's right
12 to attend the hearing. A presumption exists that it is in the
13 best interest of a child fourteen years of age or older to
14 attend all hearings.

15 Sec. 2. Section 232.91, Code 2009, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 4. If a child is of an age appropriate
18 to attend a hearing but the child does not attend, the court
19 shall determine if the child was informed of the child's right
20 to attend the hearing. A presumption exists that it is in the
21 best interests of a child fourteen years of age or older to
22 attend all hearings and all staff or family meetings involving
23 placement options or services provided to the child. The
24 department shall allow the child to attend all such hearings
25 and meetings unless the attorney for the child finds the
26 child's attendance is not in the best interests of the child.
27 If the child is excluded from attending a hearing or meeting,
28 the department shall maintain a written record detailing the
29 reasons for excluding the child. Notwithstanding sections
30 232.147 through 232.151, a copy of the written record shall be
31 made available to the child upon the request of the child after
32 reaching the age of majority.

33 NEW SUBSECTION. 5. For purposes of this section, "attend"
34 includes the appearance of the child at a hearing by video or
35 telephonic means.