

CHAPTER 1045**TRUSTEES OF SANITARY DISTRICTS***H.F. 2199*

AN ACT relating to the number and election of sanitary district trustees.

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

Section 1. Section 358.9, Code Supplement 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If the petition to establish a sanitary district requests a board of trustees of five members, the board of supervisors shall select five trustees from among the seven persons receiving the highest number of votes at the initial election. Two trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, two trustees to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to a five-member board selected under this paragraph shall be chosen by election and after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the commissioner of county elections at least sixty-nine days before the date of the general election. The form of the candidate's affidavit shall be substantially as provided in section 45.3.

NEW UNNUMBERED PARAGRAPH. Upon request of a three-member board of trustees or petition of the number of eligible electors of the district equal to at least five percent of the residents of the district filed at least ninety days before the next general election, the board of supervisors shall provide for the election of a five-member board of trustees with staggered terms of office of not more than six years. The five-member board of trustees shall become effective on the first day of January which is not a Sunday or legal holiday after that general election. The board of trustees or a petition of the number of eligible electors of the district equal to at least five percent of the residents of the district may also request the board of supervisors to implement a plan to reduce the number of trustees from five to three. The board of supervisors shall allow incumbent trustees to serve their unexpired terms of office.

Approved April 8, 1994

CHAPTER 1046**TERMS DESCRIBING PARENTS, CHILDREN, AND SIBLINGS***H.F. 2217*

AN ACT relating to changes in terms used to describe parents, children, siblings, and their relationships to one another.

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

Section 1. Section 232.2, subsection 4, paragraph c, Code Supplement 1993, is amended to read as follows:

c. The care and services that will be provided to the child, natural biological parents, and foster parents.

Sec. 2. Section 232.2, subsection 39, Code Supplement 1993, is amended to read as follows:

39. "Parent" means a ~~natural~~ biological or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

Sec. 3. Section 232.117, subsection 3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

If the court concludes that facts sufficient to sustain the petition have been established by clear and convincing evidence, the court may order parental rights terminated. If the court terminates the parental rights of the child's ~~natural or adoptive~~ parents, the court shall transfer the guardianship and custody of the child to one of the following:

Sec. 4. Section 234.41, Code 1993, is amended to read as follows:

234.41 TORT ACTIONS.

A foster parent licensed by the department of human services stands in the same relationship to the foster parent's minor foster child, for purposes of tort actions by or on behalf of the foster child against the foster parent, as a ~~natural~~ biological parent to the ~~natural biological~~ parent's minor child who resides at home. This section does not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child or exposes the foster child to a danger caused by violation of a statute or the rules of the department of human services.

Sec. 5. Section 237.3, subsection 2, paragraph h, Code Supplement 1993, is amended to read as follows:

h. Policies for involvement of ~~natural~~ biological parents.

Sec. 6. Section 237.15, subsection 1, paragraph c, Code 1993, is amended to read as follows:

c. The care and services that will be provided to the child, ~~natural~~ biological parents, and foster parents.

Sec. 7. Section 237.22, subsection 4, Code 1993, is amended to read as follows:

4. The care and services that will be provided to the child, ~~natural~~ biological parents, and foster parents.

Sec. 8. Section 238.1, subsection 2, paragraph c, Code 1993, is amended to read as follows:

c. The care and services that will be provided to the child, ~~natural~~ biological parents, and foster parents.

Sec. 9. Section 422.9, subsection 2, paragraph c, Code 1993, is amended to read as follows:

c. Add the amount by which expenses paid or incurred in connection with the adoption of a child by the taxpayer exceed three percent of the net income of the taxpayer, or of the taxpayer and spouse in the case of a joint return. The expenses may include medical and hospital expenses of the ~~natural~~ biological mother which are incident to the child's birth and are paid by the taxpayer, welfare agency fees, legal fees, and all other fees and costs relating to the adoption of a child if the child is placed by a child-placing agency licensed under chapter 238 or by a person making an independent placement according to the provisions of chapter 600.

Sec. 10. Section 450.9, subsection 2, Code 1993, is amended to read as follows:

2. Each son and daughter, including legally adopted sons and daughters, or ~~illegitimate~~ biological sons and daughters entitled to inherit under the law of this state, fifty thousand dollars.

Sec. 11. Section 450.10, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

When the property, interest, or income passes to the father or mother, or to a child or lineal descendant of the decedent, grantor, donor, or vendor, including a legally adopted child or ~~illegitimate~~ biological child entitled to inherit under the laws of this state, the tax imposed shall be on the individual share so passing in excess of the exemptions allowed as follows:

Sec. 12. Section 600.2, subsection 1, Code 1993, is amended to read as follows:

1. "Child", "parent", "parent-child relationship", "termination of parental rights", "~~natural biological~~ parent", "stepparent", "guardian", "custodian", "guardian ad litem", "minor", "adult", "agency", "department", "court", "juvenile court", "independent placement" mean the same as defined in section 600A.2.

Sec. 13. Section 600.8, subsection 1, paragraph c, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A background information investigation and a report of this investigation shall not disclose the identity of the ~~natural biological~~ parents of the minor person to be adopted and shall answer the following:

Sec. 14. Section 600.9, subsection 1, paragraphs c and d, Code 1993, are amended to read as follows:

c. Medical care received by the ~~natural biological~~ parents or the minor person during the pregnancy or delivery of the minor person.

d. Any other services relating to the adoption or to the placement of the minor person which were received by or on behalf of the petitioner, the ~~natural biological~~ parents, or any other person, including legal fees.

Sec. 15. Section 600.9, subsection 2, Code 1993, is amended to read as follows:

2. A ~~natural biological~~ parent shall not receive any thing of value as a result of the ~~natural biological~~ parent's child or former child being placed with and adopted by another person, unless that thing of value is commensurate with some necessary service provided the ~~natural biological~~ parent in relation to childbirth, child raising, or delivering the child for adoption. Any person assisting in any way with the placement or adoption of a minor person shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered. If the ~~natural biological~~ parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person charges a prohibited fee under this subsection, each such person shall be, upon conviction, guilty of a simple misdemeanor.

Sec. 16. Section 600.16, subsection 2, Code 1993, is amended to read as follows:

2. Information regarding an adopted person's existing medical and developmental history and family medical history, which meets the definition of background information in section 600.8, subsection 1, paragraph "c", shall be made available as provided in subsection 1. However, the identity of the adopted person's ~~natural biological~~ parents shall not be disclosed.

Sec. 17. Section 600.16A, subsections 2 and 3, Code 1993, are amended to read as follows:

2. All papers and records pertaining to a termination of parental rights under chapter 600A and to an adoption shall not be open to inspection and the identity of the ~~natural biological~~ parents of an adopted person shall not be revealed except under any of the following circumstances:

a. An agency involved in placement shall contact the adopting parents or the adult adopted child regarding eligibility of the adopted child for benefits based on entitlement of benefits or inheritance from the terminated ~~natural biological~~ parents.

b. The court, for good cause, shall order the opening of the permanent adoption record of the court for the adopted person who is an adult and reveal the names of either or both of the ~~natural biological~~ parents following consideration of both of the following:

(1) A ~~natural biological~~ parent may file an affidavit requesting that the court reveal or not reveal the parent's identity. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. To facilitate the ~~natural biological~~ parents in filing an affidavit, the department shall, upon request of a ~~natural biological~~ parent, provide the ~~natural biological~~ parent with an adoption information packet containing an affidavit for completion and filing with the court.

(2) If the adopted person who applies for revelation of the ~~natural biological~~ parents' identity has a sibling who is a minor and who has been adopted by the same parents, the court may deny the application on the grounds that revelation to the applicant may also indirectly and harmfully permit the same revelation to the applicant's minor sibling.

c. A ~~natural~~ biological sibling of an adopted person may file or may request that the department file an affidavit in the court in which the adopted person's adoption records have been sealed requesting that the court reveal or not reveal the sibling's name to the adopted person. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records upon application for revelation by the adopted person. However, the name of the ~~natural~~ biological sibling shall not be revealed until the ~~natural~~ biological sibling has attained majority.

d. The juvenile court or court may, upon competent medical evidence, open termination or adoption records if opening is shown to be necessary to save the life of or prevent irreparable physical or mental harm to an adopted person or the person's offspring. The juvenile court or court shall make every reasonable effort to prevent the identity of the ~~natural~~ biological parents from becoming revealed under this paragraph to the adopted person. The juvenile court or court may, however, permit revelation of the identity of the ~~natural~~ biological parents to medical personnel attending the adopted person or the person's offspring. These medical personnel shall make every reasonable effort to prevent the identity of the ~~natural~~ biological parents from becoming revealed to the adopted person.

3. In addition to other procedures by which adoption records may be opened under this section, if both of the following conditions are met, the department, the clerk of court, or the agency which made the placement shall open the adoption record for inspection and shall reveal the identity of the ~~natural~~ biological parents to the adult adopted child or the identity of the adult adopted child to the ~~natural~~ biological parents:

a. A ~~natural~~ biological parent has placed in the adoption record written consent to revelation of the ~~natural~~ biological parent's identity to the adopted child at an age specified by the ~~natural~~ biological parent, upon request of the adopted child.

b. An adult adopted child has placed in the adoption record written consent to revelation of the identity of the adult adopted child to a ~~natural~~ biological parent.

A person who has placed in the adoption record written consent pursuant to paragraph "a" or "b" of this subsection may withdraw the consent at any time by placing a written withdrawal of consent statement in the adoption record.

Notwithstanding the provisions of this subsection, if the adult adopted person has a sibling who is a minor and who has also been adopted by the same parents, the department, the clerk of court, or the agency which made the placement may deny the request of either the adult adopted person or the ~~natural~~ biological parent to open the adoption records and to reveal the identities of the parties pending determination by the court that there is good cause to open the records pursuant to subsection 2.

Sec. 18. Section 600.24, subsection 1, Code 1993, is amended to read as follows:

1. The identity of the ~~natural~~ biological parents of the adopted person is concealed from the person gaining access to the records.

Sec. 19. Section 600A.2, subsection 12, Code 1993, is amended to read as follows:

~~12~~ 2A. "~~Natural~~ Biological parent" means a parent who has been a biological party to the procreation of the child.

Sec. 20. Section 600A.5, subsection 2, Code 1993, is amended to read as follows:

2. A petition for termination of parental rights shall be filed with the juvenile court in the county in which the guardian or custodian of the child resides or the child, the ~~natural~~ biological mother or the pregnant woman is domiciled. If a juvenile court has made an order pertaining to a minor child under chapter 232, division III and that order is still in force, the termination proceedings shall be conducted pursuant to the provisions of chapter 232, division IV.

Sec. 21. Section 600A.6, subsection 1, Code 1993, is amended to read as follows:

1. A termination of parental rights under this chapter shall, unless provided otherwise in this section, be ordered only after notice has been served on all necessary parties and these

parties have been given an opportunity to be heard before the juvenile court except that notice need not be served on the petitioner or on any necessary party who is spouse of the petitioner. "Necessary party" means any person whose name, residence, and domicile are required to be included on the petition under section 600A.5, subsection 3, paragraphs "a" and "b", except a ~~natural biological~~ parent who has been convicted of having sexually abused the other ~~natural biological~~ parent while not cohabiting with that parent as husband and wife, thereby producing the birth of the child who is the subject of the termination proceedings.

Sec. 22. Section 600B.5, Code 1993, is amended to read as follows:
600B.5 DISCHARGE OF FATHER'S OBLIGATION.

The obligation of the father other than that under the laws providing for the support of poor relatives is discharged by complying with a judicial decree for support or with the terms of a judicially approved settlement. The legal adoption of a child into another family discharges the obligation for the period subsequent to the adoption, unless the adoption was fraudulently induced and the adoptive father's parental rights have been terminated and the order terminating the ~~natural biological~~ father's parental rights has been vacated in accordance with the procedures set out in section 600A.9, subsection 3.

Sec. 23. Section 600B.35, Code 1993, is amended to read as follows:
600B.35 REFERENCE TO ILLEGITIMACY PROHIBITED.

In all records, certificates, or other papers hereafter made or executed, other than birth records and certificates or records of judicial proceedings in which the question of birth out of wedlock is at issue, requiring a declaration by or notice to the mother of a child born out of wedlock, it shall be sufficient for all purposes to refer to the mother as the parent having the sole custody of the child or to the child as being in the sole custody of the mother and no explicit reference shall be made to illegitimacy, and the term ~~natural biological~~ shall be deemed equivalent to the term illegitimate when referring to parentage or birth out of wedlock.

Sec. 24. Section 600B.36, Code 1993, is amended to read as follows:
600B.36 REPORT TO REGISTRAR OF VITAL STATISTICS.

Upon the entry of a judgment determining the paternity of an ~~illegitimate~~ a child the clerk of the district court shall notify in writing the state registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by the records as may assist in identifying the record of the birth of the child as the same may appear in the office of said registrar. If such judgment shall thereafter be vacated that fact shall be reported by the clerk in the same manner.

Sec. 25. Section 602.8102, subsection 119, Code Supplement 1993, is amended to read as follows:

119. Notify the state registrar of vital statistics of a judgment determining the paternity of an ~~illegitimate~~ a child as provided in section 600B.36.

Sec. 26. Section 633.3, subsections 5 and 23, Code 1993, are amended to read as follows:

5. Child — includes an adopted child but does not include a grandchild or other more remote descendants, nor, except as provided in sections 633.221 and 633.222, an ~~illegitimate~~ a biological child.

23. Issue — for the purposes of intestate succession, includes all lawful lineal descendants of a person, whether ~~natural biological~~ or adopted, except those who are the lineal descendants of the person's living descendants.

Sec. 27. Section 633.221, Code 1993, is amended to read as follows:

633.221 ILLEGITIMATE BIOLOGICAL CHILD — INHERIT FROM MOTHER.

Unless the child has been adopted, an ~~illegitimate~~ a biological child shall inherit from the child's ~~natural biological~~ mother, and she from the child.

Sec. 28. Section 633.222, Code 1993, is amended to read as follows:

633.222 ILLEGITIMATE BIOLOGICAL CHILD — INHERIT FROM FATHER.

Unless the child has been adopted, an illegitimate a biological child inherits from the child's natural biological father if the evidence proving paternity is available during the father's lifetime, or if the child has been recognized by the father as his child; but the recognition must have been general and notorious, or in writing. Under such circumstances, if the recognition has been mutual, and the child has not been adopted, the father may inherit from his illegitimate biological child.

Sec. 29. Section 633.223, Code 1993, is amended to read as follows:

633.223 EFFECT OF ADOPTION.

1. Except as provided in subsection 3, a lawful adoption extinguishes the right of intestate succession of an adopted person from and through the adopted person's natural biological parents. The adopted person inherits from and through the adoptive parents in the same manner as a natural born biological child inherits from and through the child's natural biological parents.

2. Except as provided in subsection 3, a lawful adoption extinguishes the right of intestate succession of a natural biological parent from and through the parent's natural born biological child who is adopted. The adoptive parents inherit from and through the adopted person in the same manner as natural biological parents inherit from and through the parents' natural born biological child.

3. An adoption of a person by the spouse or surviving spouse of a natural biological parent has no effect on the relationship for inheritance purposes between the adopted person and that natural biological parent or natural biological parent's heirs. An adoption of a person by the spouse or surviving spouse of a natural biological parent after the death of the other natural biological parent has no effect on the relationship for inheritance purposes between the adopted person and the deceased natural biological parent's heirs.

4. A person inherits through an adopted person, an adoptive parent, or a natural biological parent of an adopted person only if the adopted person, adoptive parent, or natural biological parent of an adopted person would have inherited under subsection 1, 2, or 3.

Sec. 30. Section 595.18, Code 1993, is amended to read as follows:

595.18 ISSUE LEGITIMATIZED.

~~Illegitimate children~~ Children born outside of a marriage become legitimate by the subsequent marriage of their parents. Children born of a marriage contracted in violation of section 595.3 or 595.19 are legitimate.

Approved April 8, 1994