

SENATE FILE 1391

FILED APR 24 1974
See Judiciary 4/25

By HANSEN and SHAW
(Lipsky, Danker, Hill,
Patchett, Hargrave and
Hutchins)

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

A BILL FOR

1 An Act relating to adoption and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter six hundred (600), Code 1973, is amended
2 by striking sections six hundred point one (600.1) through
3 six hundred point ten (600.10), inclusive, and inserting in
4 lieu thereof sections two (2) through twenty-two (22) of this
5 Act.

6 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act,
7 unless the context otherwise requires:

8 1. "Child" means a son or daughter, whether by birth or
9 by adoption.

10 2. "Court" means any district court of this state, and
11 when the context requires, means the court of any other state
12 empowered to grant petitions for adoption.

13 3. "Minor" means an unmarried individual under the age
14 of eighteen years.

15 4. "Agency" means any person licensed, or otherwise spe-
16 cially empowered by law or rule to place minors for adoption
17 including the department of social services.

18 5. "Parent-child relationship" means the legal relation-
19 ship existing between a child and his natural or adoptive
20 parents incident to which the law confers or imposes rights,
21 privileges, duties, and obligations; it includes the mother
22 and child relationship and the father and child relationship
23 and extends equally to every child and to every parent, re-
24 gardless of the marital status of the parents.

25 6. "Adult" means an individual who is not a minor.

26 7. "Person" means an individual, corporation, govern-
27 ment or governmental subdivision or agency, business trust,
28 estate, trust, partnership or association, or any other le-
29 gal entity.

30 8. "Department of social services", when the context
31 requires it, means also the area offices and county depart-
32 ments of social services.

33 9. "Natural father" means the legally determined or ac-
34 knowledged father of a child.

35 10. "Putative father" means one who is alleged to be the

1 natural father of a child.

2 Sec. 3. NEW SECTION. WHO MAY BE ADOPTED. Any indivi-
3 dual may be adopted.

4 Sec. 4. NEW SECTION. WHO MAY ADOPT. The following in-
5 dividuals may adopt:

6 1. A husband and wife together.

7 2. An unmarried adult.

8 3. A married individual without the spouse joining as
9 a petitioner, if the individual to be adopted is not his
10 spouse, and if:

11 a. The spouse is a parent of the individual to be adopted
12 and consents to the adoption, or

13 b. The petitioner and the spouse are legally separated, or

14 c. The failure of the spouse to join in the petition or
15 to consent to the adoption is excused by the court by reason
16 of prolonged unexplained absence, unavailability, incapacity,
17 or circumstances constituting an unreasonable withholding
18 of consent.

19 Sec. 5. NEW SECTION. VENUE, INCONVENIENT FORUM, CAPTION.

20 1. Proceedings for adoption must be brought in the county
21 in which, at the time of filing or granting the petition,
22 the petitioner or the individual to be adopted resides or
23 is in military service or in which the agency having the care,
24 custody, or control of the minor is located.

25 2. If the court finds in the interest of substantial jus-
26 tice that the matter should be heard in another county, the
27 court may transfer, stay or dismiss the proceedings in whole
28 or in part on any conditions that are just.

29 3. The caption of a petition for adoption shall be styled
30 substantially "In the Matter of the Adoption of (name in-
31 serted)". The person to be adopted shall be designated in
32 the caption under his legal name.

33 Sec. 6. NEW SECTION. RELINQUISHMENT AND TERMINATION OF
34 PARENT AND CHILD RELATIONSHIP.

35 1. The rights of a parent with reference to a child, in-

1 cluding parental right to control the child or to withhold
2 consent to an adoption, shall be relinquished and the re-
3 lationship of parent and child terminated prior to an adop-
4 tion proceeding as provided in this section.

5 2. All rights of a parent with reference to a child, in-
6 cluding the right to receive notice of a hearing on a peti-
7 tion for adoption, cease at the time the relationship of
8 parent and child is terminated.

9 3. The relationship between parent and child may be ter-
10 minated by the court according to section two hundred thirty-
11 two point forty-one (232.41) of the Code, upon written request
12 of the parent or parents of the child. The termination shall
13 be effected from both parents. A period of seventy-two hours
14 after the birth of the child shall elapse prior to the signing
15 of a request for termination of parental rights.

16 4. Termination of the relationship between parent and
17 child by petitioning the court under section two hundred
18 thirty-two point forty-three (232.43) of the Code, may also
19 be used.

20 5. In an effort to identify the natural father, the court
21 shall cause inquiry to be made of the mother and any other
22 appropriate person. The inquiry shall include the following:

23 a. Whether the mother was married at the time of con-
24 ception of the child, or at any time thereafter.

25 b. Whether the mother was cohabiting with a man at the
26 time of conception or birth of the child.

27 c. Whether the mother has received from a putative father
28 support payments or promises of support with respect to the
29 child or in connection with her pregnancy.

30 d. Whether any man has formally or informally acknowl-
31 edged or declared his possible paternity of the child.

32 6. If after inquiry pursuant to subsection five (5) of
33 this section, and consideration of any other pertinent evi-
34 dence, the natural father is identified to the satisfaction
35 of the court, or if more than one man is identified as a pu-

1 tative father, each shall be given notice of the proceeding
2 in accordance with subsection nine (9) of this section. If
3 any of them fails to appear, or if he appears but fails to
4 claim custodial rights, his parental rights with reference
5 to the child shall be terminated. If the natural father or
6 a man representing himself to be the natural father claims
7 custodial rights, the court shall proceed to determine cus-
8 todial rights.

9 7. If after inquiry pursuant to subsection five (5) of
10 this section, and consideration of any other pertinent evi-
11 dence, the court is unable to identify the natural father
12 or any possible natural father, and no person has appeared
13 representing himself to be the natural father and claiming
14 custodial rights, the court shall enter an order terminating
15 the unknown natural father's parental rights with reference
16 to the child, after notice as provided in subsection nine
17 (9) of this section.

18 8. If the court determines that the pregnancy resulted
19 from rape, the natural father shall have no custodial rights,
20 and the court shall enter an order terminating all the nat-
21 ural father's parental rights.

22 9. Notice of the proceeding shall be given to all per-
23 sons necessary including every person identified as the nat-
24 ural father or as a possible natural father in the manner
25 according to section two hundred thirty-two point forty-five
26 (232.45) of the Code. Proof of giving the notice shall be
27 filed with the court before the proceedings shall continue
28 to terminate parental rights. If no person has been iden-
29 tified as the natural father or as a possible father, the
30 court, on the basis of all information available, shall de-
31 termine whether publication or public posting of notice of
32 the proceeding is likely to lead to identification and, if
33 so, shall order publication or public posting at times and
34 in places in a manner it deems appropriate.

35 10. Following termination, guardianship shall be given

1 according to section two hundred thirty-two point forty-eight
2 (232.48) of the Code.

3 11. A petition to adopt a minor may be granted only if
4 termination has been executed and effected for both parents
5 in accordance with this section, except in a stepparent
6 adoption.

7 12. Notwithstanding the provisions of subsection two (2)
8 of this section, a termination of parental rights with re-
9 spect to a child, executed under this section, may be with-
10 drawn by the parent or parents, and a decree of a court ter-
11 minating the parent and child relationship under this sec-
12 tion may be vacated by the court upon motion of the parent
13 or parents if the child is not on placement for adoption and
14 the person having custody of the child consents in writing
15 to the withdrawal or vacation of the decree.

16 13. If the minor is to be adopted by the spouse of the
17 natural or adoptive parent, no termination proceedings are
18 necessary unless the other parent is still living and rights
19 were not previously terminated by the court.

20 14. If the termination of the relationship between parent
21 and child is not effected from each parent as provided for in
22 chapter two hundred thirty-two (232) of the Code and in this
23 Act, the normal relationship shall continue between the child
24 and that parent whose rights are not terminated.

25 Sec. 7. NEW SECTION. PERSONS REQUIRED TO CONSENT TO
26 ADOPTION.

27 1. Unless consent is not required under section eight
28 (8) of this Act, a petition to adopt a minor may be granted
29 only if written consent to a particular adoption has been
30 executed by:

31 a. The agency given guardianship after termination of
32 the relationship between parent and child, or

33 b. The minor, if more than fourteen years of age, un-
34 less the court in the best interest of the minor dispenses
35 with the minor's consent, or

1 c. The natural parent of the child to be adopted in a
2 stepparent adoption.

3 2. A petition to adopt an adult may be granted only if
4 written consent to adoption has been executed by the adult
5 and the adult's spouse, if any.

6 Sec. 8. NEW SECTION. PERSONS AS TO WHOM CONSENT AND
7 NOTICE NOT REQUIRED. Consent to adoption is not required
8 of:

9 1. A parent whose parental rights have been terminated
10 by order of court under section six (6) of this Act or chap-
11 ter two hundred thirty-two (232) of the Code.

12 2. Any parent of the individual to be adopted, if the
13 individual is an adult.

14 Sec. 9. NEW SECTION. HOW CONSENT IS EXECUTED.

15 1. The required consent to adoption shall not be exe-
16 cuted until termination of parent-child relationships and
17 in the manner following:

18 a. If by the individual to be adopted, in the presence
19 of the court.

20 b. If by an agency, by the executive head or other autho-
21 rized representative, in the presence of a person authorized
22 to take acknowledgements.

23 c. If by any other person, in the presence of the court.

24 2. A consent shall name the adopting parent and the child
25 to be adopted.

26 Sec. 10. NEW SECTION. WITHDRAWAL OF CONSENT.

27 1. A consent to adoption cannot be withdrawn after the
28 entry of a decree of adoption.

29 2. A consent to adoption may be withdrawn prior to the
30 entry of a decree of adoption if the court finds, after
31 reasonable notice and opportunity to be heard is afforded
32 to the petitioner, the person seeking the withdrawal, and
33 the agency placing a child for adoption, that the withdrawal
34 is in the best interest of the individual to be adopted and
35 the court orders the withdrawal.

1 Sec. 11. NEW SECTION. INVESTIGATION AND PLACEMENT.

2 1. No minor shall be placed for adoptive purposes with
3 a nonrelative until a written report of the investigation
4 of the adoptive home shall be completed by the department
5 of social services or a licensed child-placing agency:

6 a. To ascertain whether the home is suitable for the
7 placement of a child, and

8 b. To inquire into the conditions and antecedents of the
9 minor sought to be adopted to determine if the minor is a
10 suitable subject for adoption, and

11 c. To determine if the adoption is in the best interests
12 of the child.

13 2. Anyone who assists in the placement of a minor in an
14 adoptive home in violation of subsection one (1) of this sec-
15 tion shall be guilty of a misdemeanor and upon conviction
16 shall be punished accordingly.

17 3. The investigation prior to placement and the periods
18 of residence may be waived by the court where the petitioner
19 or one of the petitioners is related to the child within the
20 third degree of consanguinity or where the petitioner is mar-
21 ried to a natural parent of the child. The relationship be-
22 tween the natural parents and the child shall be terminated
23 in accordance with the provisions of chapter two hundred
24 thirty-two (232) of the Code and of this Act prior to a
25 petition to adopt. The court shall order an investigation
26 to verify the allegations in the petition to adopt.

27 Sec. 12. NEW SECTION. PETITION FOR ADOPTION.

28 1. A petition for adoption shall be signed and verified
29 by the petitioner, filed with the clerk of the court, and
30 shall state:

31 a. The full legal name of the individual to be adopted
32 as it appears on the birth certificate.

33 b. The date and place of birth of the individual to be
34 adopted, if known.

35 c. The name to be used for the individual to be adopted.

1 d. The date of placement of the minor and the name and
2 address of the person placing the minor.

3 e. The agency having custody of the minor and the date
4 of termination of parental rights.

5 f. The full name, age, place and duration of residence
6 of the petitioner.

7 g. The marital status of the petitioner, including the
8 date and place of marriage, if married.

9 h. That the petitioner has facilities and resources, in-
10 cluding those available under a subsidy agreement as provided
11 in this chapter, suitable to provide for the nurture and care
12 of the minor to be adopted, and that it is the desire of the
13 petitioner to establish the relationship of parent and child
14 with the individual to be adopted.

15 i. A description and estimate of value of any property
16 of the individual to be adopted.

17 j. The name of any person whose consent to the adoption
18 is required, but who has not consented, and facts or circum-
19 stances which excuse the lack of such consent normally re-
20 quired to the adoption.

21 2. A certified copy of the birth certificate or verifi-
22 cation of birth record of the individual to be adopted, and
23 the required consents and relinquishments shall be filed with
24 the court.

25 Sec. 13. NEW SECTION. REPORT OF PETITIONER'S EXPENDI-
26 TURES.

27 1. Except as specified in subsection two (2) of this sec-
28 tion, the petitioner in any proceeding for the adoption of
29 a minor shall file, before the petition is heard, a full ac-
30 counting report in a manner acceptable to the court of all
31 disbursements of anything of value made or agreed to be made
32 by or on behalf of the petitioner in connection with the
33 adoption. The report shall show any expenses incurred in
34 connection with:

35 a. The birth of the minor.

- 1 b. Placement of the minor with petitioner.
- 2 c. Medical or hospital care received by the mother or
- 3 by the minor during the mother's prenatal care and confine-
- 4 ment.
- 5 d. Services relating to the adoption or to the placement
- 6 of the minor for adoption which were received by or on behalf
- 7 of the petitioner, either natural parent of the minor, or
- 8 any other person, including any legal fees or fees paid to
- 9 an agency.

10 2. This section does not apply to an adoption by a step-

11 parent whose spouse is a natural or adoptive parent of the

12 child.

13 3. Any report made under this section must be signed and

14 verified by the petitioner.

15 Sec. 14. NEW SECTION. NOTICE OF PETITION, INVESTIGATION

16 AND HEARING.

17 1. After filing a petition to adopt a minor the court

18 shall fix a time and place for hearing the petition. At least

19 sixty days before the date of the hearing, notice of the fil-

20 ing of the petition, a copy of the petition and consent and

21 notice of the time and place of hearing shall be given by

22 the clerk of the court to:

- 23 a. The department of social services.
- 24 b. The agency having custody of the child.
- 25 c. The agency that investigated the home prior to place-
- 26 ment if different from the agency having custody.
- 27 d. The agency making placement of the minor if different
- 28 from the agency having custody.
- 29 e. Any agency or person whose consent to the adoption
- 30 is required but who has not consented.

31 2. A written report of the investigation made prior to

32 the placement of the minor in the adoptive home as required

33 in section eleven (11) of this Act shall be filed with the

34 court by the investigator before the petition is heard.

35 3. The report of the investigation shall contain a rec-

1 ommendation as to the granting of the petition for adoption
2 and any other information the court requires regarding the
3 petitioner or the minor.

4 4. The department of social services or the agency desig-
5 nated by the court to make the required investigation may
6 request other departments or agencies within or without this
7 state to make investigations of designated portions of the
8 inquiry as may be appropriate and to make a written report
9 thereof as a supplemental report to the court and shall make
10 similar investigations and reports on behalf of other agen-
11 cies or persons designated by the courts of this state or
12 another place.

13 5. After the filing of a petition to adopt an adult the
14 court by order shall direct that a copy of the petition and
15 a notice of the time and place of the hearing be given to
16 any person whose consent to the adoption is required but who
17 has not consented. The court may order an appropriate in-
18 vestigation to assist it in determining whether the adoption
19 is in the best interest of the persons involved.

20 6. Notice shall be given in the manner appropriate under
21 rules of civil procedure of the service of process in a civil
22 action in this state or in any manner the court by order di-
23 rects. Proof of the giving of the notice shall be filed with
24 the court before the petition is heard.

25 Sec. 15. NEW SECTION. REQUIRED RESIDENCE OF MINOR. A
26 final decree of adoption shall not be issued and an inter-
27 locutory decree of adoption does not become final, until the
28 minor to be adopted has lived in the adoptive home for at
29 least one year after placement by an agency. If the minor
30 is not placed by an agency, the minor must live in the home
31 for at least one year after the department of social ser-
32 vices or the court has been informed of the custody of the
33 minor by the petitioner, and the department of social ser-
34 vices has had an opportunity to observe or investigate the
35 adoptive home. The residency requirement may be waived in

1 exceptional circumstances for good cause.

2 Sec. 16. NEW SECTION. APPEARANCE; CONTINUANCE; DISPO-
3 SITION OF PETITION.

4 1. The petitioner and the individual to be adopted shall
5 appear at the hearing on the petition, unless the presence
6 of either is excused by the court.

7 2. The court may continue the hearing from time to time
8 to permit further observation, investigation, or considera-
9 tion of any facts or circumstances affecting the granting
10 of the petition.

11 3. If at the conclusion of the hearing the court deter-
12 mines that the required consents have been obtained or ex-
13 cused and that the adoption is in the best interest of the
14 individual to be adopted, it may:

15 a. Issue a final decree of adoption, or

16 b. Issue an interlocutory decree of adoption which by
17 its own terms automatically becomes a final decree of adop-
18 tion on a day therein specified, which day shall not be less
19 than six months nor more than one year from the date of is-
20 suance of the decree, unless sooner vacated by the court for
21 good cause shown. In an interlocutory decree of adoption
22 the court may provide for observation, investigation, and
23 further report on the adoptive home during the interlocutory
24 period.

25 4. If the requirements for a decree under subsection three
26 (3) of this section have not been met, the court shall dis-
27 miss the petition and determine the person to have custody
28 of the minor, including the petitioners if in the best in-
29 terest of the minor.

30 Sec. 17. NEW SECTION. EFFECT OF DECREE OF ADOPTION.

31 1. A final decree of adoption and an interlocutory de-
32 cree of adoption which has become final, whether issued by
33 a court of this state or of any other place, have the effect
34 as to matters within the jurisdiction or before a court of
35 this state of creating the relationship of parent and child

1 between petitioner and the adopted individual, as if the
2 adopted individual were a legitimate blood descendant of the
3 petitioner, for all purposes including inheritance and
4 applicability of statutes, documents, and instruments, whether
5 executed before or after the adoption is decreed, which do
6 not expressly exclude an adopted individual from their
7 operation or effect.

8 2. Notwithstanding the provisions of subsection one (1)
9 of this section and of section six hundred thirty-three point
10 two hundred twenty-three (633.223) of the Code, if a parent
11 of a child dies without the relationship of parent and child
12 having been previously terminated and a spouse of the living
13 parent thereafter adopts the child, the child's right of
14 inheritance from or through the deceased parent is unaffected
15 by the adoption.

16 3. An interlocutory decree of adoption, while it is in
17 force, has the same legal effect as a final decree of adop-
18 tion. If an interlocutory decree of adoption is vacated,
19 it shall be as though void from its issuance, and the rights,
20 liabilities, and status of all affected persons which have
21 not become vested shall be governed accordingly.

22 4. If upon the hearing the court shall be satisfied that
23 the petition should be granted, a decree shall be entered
24 in the office of the clerk, setting forth the facts includ-
25 ing as far as known the name of the child, of the placing
26 agency and of the persons adopting it, and the name under
27 which the child thereafter is to be known, and ordering that
28 from the date thereof, the child shall be the child of the
29 petitioners.

30 5. If desired, the court may by decree change the name
31 of the child.

32 Sec. 18. NEW SECTION. DISPOSITION OF DECREE. If the
33 decree is granted the clerk of the court shall deliver to
34 the adoptive parents a certified copy of the decree. The
35 clerk shall cause two copies thereof to be sent to the di-

1 rector of the division of child and family services of the
2 department of social services and also one copy to the di-
3 rector of any licensed child-placing agency having custody
4 of the minor.

5 Sec. 19. NEW SECTION. APPEAL AND VALIDATION OF ADOP-
6 TION DECREE.

7 1. An appeal from any final order or decree rendered un-
8 der this Act may be taken in the manner and time provided
9 for appeal from a judgment in a civil action.

10 2. In the event that an appeal is made, the primary con-
11 sideration shall be in the best interests of the child.

12 3. Any action to set aside a decree of adoption which
13 was entered prior to the effective date of this Act must be
14 commenced within one year after that date or be barred.

15 Sec. 20. NEW SECTION. HEARING AND RECORDS IN ADOPTION
16 PROCEEDINGS: CONFIDENTIAL NATURE.

17 1. All hearings held in the proceedings under this Act
18 shall be held in closed court without admittance of any per-
19 son other than essential officers of the court, the parties,
20 their witnesses, counsel, persons who have not previously
21 consented to the adoption but are required to consent, and
22 representatives of the agencies present to perform their of-
23 ficial duties.

24 2. All papers and records pertaining to the adoption
25 whether part of the permanent record of the court or of a
26 file in the department of social services or in an agency
27 are subject to inspection only upon an order of the court
28 for good cause shown.

29 3. If authorized in writing by the adoptive parent or
30 the adopted child, if eighteen or more years of age, the
31 agency or the department of social services at their discretion
32 may share their confidential information pertaining to the
33 adoption with the adoptive parent or adopted child.

34 4. Upon request from the state registrar of vital sta-
35 tistics the clerk of court may open the records to provide

1 the state registrar with information necessary to establish
2 a birth certificate in the adopted name. The adoption rec-
3 ords shall then be immediately resealed by the clerk.

4 Sec. 21. NEW SECTION. RECOGNITION OF FOREIGN DECREE
5 AFFECTING ADOPTION. A decree of court terminating the re-
6 lationship of parent and child or establishing the relation-
7 ship by adoption issued pursuant to due process of law by
8 a court of any other jurisdiction within or without the United
9 States shall be recognized in this state and the rights and
10 obligations of the parties as to matters within the jur-
11 isdiction of this state shall be determined as though the
12 decree were issued by a court of this state if in accordance
13 with interstate compact agreements or United States immigra-
14 tion laws.

15 Sec. 22. NEW SECTION. APPLICATION FOR NEW BIRTH REC-
16 ORD. Within thirty days after an adoption decree becomes
17 final, the clerk of court shall send an abstract of the de-
18 cree to the state department of health, division of vital
19 statistics. The division of vital statistics shall send an
20 amended birth certificate to the adoptive parents. If the
21 adopted child was born out-of-state, the division of vital
22 statistics shall forward the information to the appropriate
23 state agency.

24 Sec. 23. Any adoption or termination of parental rights
25 proceedings pending on the effective date of this Act shall
26 not be affected by adoption of this Act.

27 Sec. 24. Section two hundred thirty-two point thirty-three
28 (232.33), subsections two (2), three (3), four (4), and five
29 (5), Code 1973, are amended to read as follows:

30 2. Place the child under the protective supervision of
31 the ~~county~~ state department of social welfare services or
32 a child placing agency in the home of the child under con-
33 ditions prescribed by the court directed to the correction
34 of the neglect or dependency of the child.

35 3. Transfer legal custody of the child, subject to the

1 continued jurisdiction of the court, to one of the follow-
2 ing:

3 a. A child placing agency.

4 b. The ~~county-department-of-social-welfare-or-the~~ state
5 department of social services.

6 ~~c.--A-reputable-individual-of-good-moral-character.~~

7 4. Commit the child to the commissioner of social ser-
8 vices or his designee for placement.

9 5. Commit to or place the child in any private institu-
10 tion or hospital for the care and training of children or
11 any public institution or hospital for the care and train-
12 ing of children other than an institution ~~named-in-subsec-~~
13 ~~tion-4-of-this-section-and-section-232.34,-subsection-4~~ ad-
14 ministered by the state department of social services.

15 Sec. 25. Section two hundred thirty-two point thirty-four
16 (232.34), subsection five (5), Code 1973, is amended to read
17 as follows:

18 5. Commit to or place the child in any private institution
19 or hospital for care and training or any public institution
20 or hospital for care and training other than an institution
21 ~~named-in-subsection-4-of-this-section-and-section-232.33,~~
22 ~~subsection-4~~ administered by the state department of social
23 services.

24 Sec. 26. Section two hundred thirty-two point forty-eight
25 (232.48), Code 1973, is amended to read as follows:

26 232.48 TERMINATION OF PARENT-CHILD RELATIONSHIP. If after
27 a hearing the court terminates the parent-child relationship
28 between the child and both parents ~~or-between-the-child-and~~
29 ~~the-mother-if-the-child-is-bern-out-of-wedlock~~ or between
30 the child and the only living parent, the court shall order
31 guardianship of the person and legal custody of the child
32 transferred to:

33 1. The county department of social welfare or the com-
34 missioner of social services or his designee.

35 2. A licensed child placing agency.

1 ~~3. --A-reputable-individual-of-good-moral-character.~~

2 4 3. The commissioner of social services or his designee
3 for placement.

4 Sec. 27. Section two hundred thirty-eight point twenty-
5 five (238.25), Code 1973, is amended to read as follows:

6 238.25 ASSUMPTION OF CARE AND CUSTODY. No person ~~ether~~
7 ~~than-the-parents-or-relatives-of-the-child-within-the-fourth~~
8 ~~degree~~ may assume the permanent care and custody of a ~~child~~
9 ~~under-fourteen-years-of-age~~ minor except in accordance with
10 the provisions of ~~this-chapter~~ chapters two hundred thirty-
11 two (232) and six hundred (600) of the Code.

12 Sec. 28. Section two hundred thirty-eight point twenty-
13 six (238.26), Code 1973, is amended to read as follows:

14 238.26 RELINQUISHMENT OF RIGHTS AND DUTIES. No person
15 may assign, relinquish, or otherwise transfer to another his
16 rights, or duties with respect to the permanent care or cus-
17 tody of a ~~child-under-fourteen-years-of-age-unless-specifically~~
18 ~~authorized-or-required-so-to-do-by-an-order-or-decree-of~~
19 ~~court,--or-unless-the-parent-or-parents-sign-a-written-release~~
20 ~~attested-by-two-witnesses,--of-the-permanent-care-and-custody~~
21 ~~of-the-child-to-an-agency-licensed-by-the-state-director~~ minor
22 except in accordance with the provisions of chapters two
23 hundred thirty-two (232) and six hundred (600) of the Code.

24 Sec. 29. Section five hundred ninety-eight point twenty-
25 five (598.25), unnumbered paragraph one (1), Code 1973, is
26 amended to read as follows:

27 Whenever a proceeding is initiated in a court ~~for-adop-~~
28 ~~tion,~~ involving the children of parents or guardians whose
29 marriage has been dissolved, ~~or~~ for modification of a judg-
30 ment of alimony, child support, or custody granted in an ac-
31 tion for dissolution of marriage, the following requirements
32 must be met if such proceedings are initiated in a court other
33 than the court which granted the dissolution decree.

34 Sec. 30. Chapter five hundred ninety-eight (598), Code
35 1973, is amended by adding the following new section:

1 NEW SECTION. TERMINATIONS OF PARENT-CHILD RELATIONSHIP
2 FOR ADOPTION. Whenever a proceeding is initiated for the
3 adoption of a child by a stepparent, procedures for termina-
4 tion of the parent-child relationship between the child and
5 the parent giving up his rights to the child shall be in ac-
6 cordance with chapters two hundred thirty-two (232) and six
7 hundred (600) of the Code.

8 Sec. 31. Sections two hundred thirty-eight point twenty-
9 seven (238.27), two hundred thirty-eight point twenty-eight
10 (238.28), and two hundred thirty-eight point twenty-nine
11 (238.29), Code 1973, are repealed.

12 EXPLANATION

13 This bill provides for a revision of the adoption laws
14 and is based on the revised Uniform Adoption Act.

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