

*Sen. Human Resources 2/4
Comend + No Pass per H-5421 3/20*

FILED JAN 21 1992

SENATE FILE 2035
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 2016)

Passed Senate, Date 1/30/92 (p. 175) Passed House, Date 4/21/92 (p. 1091)
Vote: Ayes 47 Nays 0 Vote: Ayes 73 Nays 7

Approved May 4 1992
*No. passed Senate 4/24 (p. 1068)
Ayes 49 Nays 2*

A BILL FOR

1 An Act relating to the discharge of an adoptive father's
2 obligation for support of an adopted child.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2035

1 Section 1. Section 232.116, subsection 1, Code 1991, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. m. An adoptive parent requests termination
4 of parental rights and the parent-child relationship based
5 upon a showing that the adoption was fraudulently induced.

6 Sec. 2. Section 600A.8, Code 1991, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 7. An adoptive parent requests
9 termination of parental rights and the parent-child
10 relationship based upon a showing that the adoption was
11 fraudulently induced.

12 Sec. 3. Section 675.5, Code 1991, is amended to read as
13 follows:

14 675.5 DISCHARGE OF FATHER'S OBLIGATION.

15 The obligation of the father other than that under the laws
16 providing for the support of poor relatives is discharged by
17 complying with a judicial decree for support or with the terms
18 of a judicially approved settlement. The legal adoption of a
19 child into another family discharges the obligation for the
20 period subsequent to the adoption, unless the adoption was
21 fraudulently induced.

22 EXPLANATION

23 This bill preserves a natural father's obligation of
24 support to the father's child if the adoption of the child was
25 fraudulently induced. The bill also provides for termination
26 of parental rights and the parent-child relationship in the
27 case of a fraudulently induced adoption.

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SENATE FILE 2035

H-5421

1 Amend Senate File 2035, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 5 the
4 following:

5 "Sec. _____. Section 600A.4, subsection 4, Code
6 1991, is amended to read as follows:

7 4. Either a parent who has signed a release of
8 custody, or a nonsigning parent, may, at any time
9 prior to the entry of an order terminating parental
10 rights, request the juvenile court designated in
11 section 600A.5 to order the revocation of any release
12 of custody previously executed by either parent. If
13 such request is by a signing parent, and is within
14 ninety-six hours of the time such parent signed a
15 release of custody, the juvenile court shall order the
16 release revoked. Otherwise, the juvenile court shall
17 order the release or releases revoked only upon clear
18 and convincing evidence that good cause exists for
19 revocation. Good cause for revocation includes but is
20 not limited to a showing that the release was obtained
21 by fraud, coercion, or misrepresentation of law or
22 fact which was material to its execution. In
23 determining whether good cause, ~~other than fraud,~~
24 ~~coercion or misrepresentation,~~ exists for revocation,
25 the juvenile court shall give paramount consideration
26 to the best interests of the child and including
27 avoidance of a disruption of an existing relationship
28 between a parent and child. The juvenile court shall
29 also give due consideration to the interests of the
30 parents of the child and of any person standing in the
31 place of the parents."

32 2. Page 1, by inserting after line 21 the
33 following:

34 "Sec. _____. APPLICABILITY. This Act is applicable
35 to fraudulently induced adoptions under adoption
36 decrees which were entered prior to or on or after the
37 effective date of this Act."

38 3. Title page, line 1, by inserting after the
39 word "to" the following: "parental rights and
40 obligations including".

41 4. Title page, line 2, by inserting after the
42 word "child" the following: ", and providing for the
43 Act's applicability".

44 5. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
HAVERLAND of Polk, Chairperson

H-5421 FILED MARCH 20, 1992

Adopted 4/21 (p. 1490)

SENATE FILE 2035

H-5943

1 Amend Senate File 2035, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 5.

4 2. Page 1, line 11, by inserting after the word
5 "induced" the following: "in accordance with the
6 procedures set out in section 600A.9, subsection 2A".

7 3. Page 1, by inserting after line 11 the
8 following:

9 "Sec. ____ . Section 600A.9, Code 1991, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 2A. If an order is issued under
12 subsection 1, paragraph "b", the juvenile court shall
13 have jurisdiction to allow an adoptive parent to
14 request termination of the adoptive parent's parental
15 rights and of the parent-child relationship based upon
16 a showing that the adoption was fraudulently induced
17 and to request that the order issued under subsection
18 1, paragraph "b", be vacated. The juvenile court
19 shall grant the termination and vacation requests only
20 after the parent whose rights have been terminated is
21 given an opportunity to contest the vacation of the
22 termination order and only if the termination of the
23 adoptive parent's parental rights and the vacation of
24 the termination order are in the best interest of the
25 child."

26 4. Page 1, line 21, by inserting after the word
27 "induced" the following: "and the adoptive father's
28 parental rights have been terminated and the order
29 terminating the natural father's parental rights has
30 been vacated in accordance with the procedures set out
31 in section 600A.9, subsection 2A".

32 5. Title page, line 1, by striking the word
33 "father's" and inserting the following: "parent's".

34 6. By renumbering as necessary.

By TEAFORD of Black Hawk
BISIGNANO of Polk

H-5943 FILED APRIL 16, 1992

HOUSE AMENDMENT TO
SENATE FILE 2035

S-5799

1 Amend Senate File 2035, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 5.

4 2. Page 1, by inserting after line 5 the
5 following:

6 "Sec. ____ . Section 600A.4, subsection 4, Code
7 1991, is amended to read as follows:

8 4. Either a parent who has signed a release of
9 custody, or a nonsigning parent, may, at any time
10 prior to the entry of an order terminating parental
11 rights, request the juvenile court designated in
12 section 600A.5 to order the revocation of any release
13 of custody previously executed by either parent. If
14 such request is by a signing parent, and is within
15 ninety-six hours of the time such parent signed a
16 release of custody, the juvenile court shall order the
17 release revoked. Otherwise, the juvenile court shall
18 order the release or releases revoked only upon clear
19 and convincing evidence that good cause exists for
20 revocation. Good cause for revocation includes but is
21 not limited to a showing that the release was obtained
22 by fraud, coercion, or misrepresentation of law or
23 fact which was material to its execution. In
24 determining whether good cause, ~~other than fraud,~~
25 ~~coercion or misrepresentation,~~ exists for revocation,
26 the juvenile court shall give paramount consideration
27 to the best interests of the child and including
28 avoidance of a disruption of an existing relationship
29 between a parent and child. The juvenile court shall
30 also give due consideration to the interests of the
31 parents of the child and of any person standing in the
32 place of the parents."

33 3. Page 1, line 11, by inserting after the word
34 "induced" the following: "in accordance with the
35 procedures set out in section 600A.9, subsection 2A".

36 4. Page 1, by inserting after line 11 the
37 following:

38 "Sec. ____ . Section 600A.9, Code 1991, is amended
39 by adding the following new subsection:

40 NEW SUBSECTION. 2A. If an order is issued under
41 subsection 1, paragraph "b", the juvenile court shall
42 have jurisdiction to allow an adoptive parent to
43 request termination of the adoptive parent's parental
44 rights and of the parent-child relationship based upon
45 a showing that the adoption was fraudulently induced
46 and to request that the order issued under subsection
47 1, paragraph "b", be vacated. The juvenile court
48 shall grant the termination and vacation requests only
49 after the parent whose rights have been terminated is
50 given an opportunity to contest the vacation of the

S-5799

S-5799

Page 2

1 termination order and only if the termination of the
2 adoptive parent's parental rights and the vacation of
3 the termination order are in the best interest of the
4 child."

5 5. Page 1, line 21, by inserting after the word
6 "induced" the following: "and the adoptive father's
7 parental rights have been terminated and the order
8 terminating the natural father's parental rights has
9 been vacated in accordance with the procedures set out
10 in section 600A.9, subsection 2A".

11 6. Page 1, by inserting after line 21 the
12 following:

13 "Sec. ____ . APPLICABILITY. This Act is applicable
14 to fraudulently induced adoptions under adoption
15 decrees which were entered prior to or on or after the
16 effective date of this Act."

17 7. Title page, line 1, by inserting after the
18 word "to" the following: "parental rights and
19 obligations including".

20 8. Title page, line 1, by striking the word
21 "father's" and inserting the following: "parent's".

22 9. Title page, line 2, by inserting after the
23 word "child" the following: ", and providing for the
24 Act's applicability".

25 10. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5799 FILED APRIL 22, 1992

Senate concurred 4/24 (p. 1608)

HANNON, CH.
HORN
TINSMAN 1-16-92

SSB 2016
HUMAN RESOURCES
— Now —

SENATE FILE 2035
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON HANNON)

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

A BILL FOR

1 An Act relating to the discharge of an adoptive father's
2 obligation for support of an adopted child.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 amended by adding the following new paragraph:

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4 of parental rights and the parent-child relationship based
5 upon a showing that the adoption was fraudulently induced.

6 Sec. 2. Section 600A.8, Code 1991, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 7. An adoptive parent requests
9 termination of parental rights and the parent-child
10 relationship based upon a showing that the adoption was
11 fraudulently induced.

12 Sec. 3. Section 675.5, Code 1991, is amended to read as
13 follows:

14 675.5 DISCHARGE OF FATHER'S OBLIGATION.

15 The obligation of the father other than that under the laws
16 providing for the support of poor relatives is discharged by
17 complying with a judicial decree for support or with the terms
18 of a judicially approved settlement. The legal adoption of a
19 child into another family discharges the obligation for the
20 period subsequent to the adoption, unless the adoption was
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22 EXPLANATION

23 This bill preserves a natural father's obligation of
24 support to the father's child if the adoption of the child was
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27 case of a fraudulently induced adoption.

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SENATE FILE 2035

AN ACT

RELATING TO PARENTAL RIGHTS AND OBLIGATIONS INCLUDING THE DISCHARGE OF AN ADOPTIVE PARENT'S OBLIGATION FOR SUPPORT OF AN ADOPTED CHILD, AND PROVIDING FOR THE ACT'S APPLICABILITY.

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

Section 1. Section 600A.4, subsection 4, Code 1991, is amended to read as follows:

4. Either a parent who has signed a release of custody, or a nonsigning parent, may, at any time prior to the entry of an order terminating parental rights, request the juvenile court designated in section 600A.5 to order the revocation of any release of custody previously executed by either parent. If such request is by a signing parent, and is within ninety-six hours of the time such parent signed a release of custody, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release or releases revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. In determining whether good cause ~~other than fraud, coercion or misrepresentation~~ exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child and including avoidance of a disruption of an existing relationship between a parent and child. The juvenile court shall also give due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

Sec. 2. Section 600A.8, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. An adoptive parent requests termination of parental rights and the parent-child relationship based upon a showing that the adoption was fraudulently induced in accordance with the procedures set out in section 600A.9, subsection 2A.

Sec. 3. Section 600A.9, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If an order is issued under subsection 1, paragraph "b", the juvenile court shall have jurisdiction to allow an adoptive parent to request termination of the adoptive parent's parental rights and of the parent-child relationship based upon a showing that the adoption was fraudulently induced and to request that the order issued under subsection 1, paragraph "b", be vacated. The juvenile court shall grant the termination and vacation requests only after the parent whose rights have been terminated is given an opportunity to contest the vacation of the termination order and only if the termination of the adoptive parent's parental rights and the vacation of the termination order are in the best interest of the child.

Sec. 4. Section 675.5, Code 1991, is amended to read as follows:

675.5 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 father's parental rights has been vacated in accordance with the procedures set out in section 600A.9, subsection 2A.

Sec. 5. APPLICABILITY. This Act is applicable to fraudulently induced adoptions under adoption decrees which

were entered prior to or on or after the effective date of
this Act.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2035, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 4, 1992

TERRY E. BRANSTAD
Governor