

H-3/13/98 Judiciary
H-3/23/98 Amend + No Pass

FILED MAR 2 1998

H 3/20/98 UNFINISHED BUSINESS CALENDAR

SENATE FILE 2387

BY COMMITTEE ON JUDICIARY

S-4/13/98 Motion to vote by Halvorson
S-4/14/98 motion to R/C Withdrawn
(SUCCESSOR TO SSB 2108)
S-4/14/98 Motion to R/C by mad dog
S-4/15/98 motion to R/C prevailed
(P.1339)

(P.644)
Passed Senate, Date 3-11-98
Vote: Ayes 49 Nays 0

Passed House, Date 4-7-98
Vote: Ayes 97 Nays 0

Approved _____

Passed 4-13-98
Vote 48-0 (P.1195)
Passed 4/15/98
Vote 49-0

A BILL FOR

1 An Act relating to adoption procedural requirements including
2 those related to investigations, reports, and counseling.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2387

UNFINISHED BUSINESS CALIFORNIA

1 Section 1. Section 600.8, subsection 1, paragraph c, Code
2 1997, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 c. A background information investigation and a report of
5 the investigation shall be made by the agency, the person
6 making an independent placement, or an investigator. The
7 background information investigation and report shall not
8 disclose the identity of the biological parents of the minor
9 person to be adopted. The report shall be completed and filed
10 with the court prior to the holding of the adoption hearing
11 prescribed in section 600.12. The report shall be in
12 substantial conformance with the prescribed medical and social
13 history forms designed by the department pursuant to section
14 600A.4, subsection 2, paragraph "f". A copy of the background
15 information investigation report shall be furnished to the
16 adoption petitioners within thirty days after the filing of
17 the adoption petition. Any person, including a juvenile
18 court, who has gained relevant background information
19 concerning a minor person subject to an adoption petition
20 shall, upon request, fully cooperate with the conducting of a
21 background information investigation by disclosing any
22 relevant background information, whether contained in sealed
23 records or not.

24 Sec. 2. Section 600.8, subsection 4, Code 1997, is amended
25 to read as follows:

26 4. A postplacement investigation ~~and-a-background~~
27 ~~information-investigation~~ and the ~~reports-of-these~~
28 ~~investigations~~ report of the investigation shall be completed
29 and the ~~reports~~ filed with the court prior to the holding of
30 the adoption hearing prescribed in section 600.12. Upon the
31 filing of an adoption petition pursuant to section 600.5, the
32 court shall immediately appoint ~~the-department, an-agency, or~~
33 an investigator to conduct and complete the postplacement and
34 ~~background-information-investigations-and-reports~~ report. In
35 ~~addition-to-filing-the-background-information-report-with-the~~

1 court-prior-to-the-holding-of-the-adoption-hearing, the
2 department, agency, or investigator appointed to conduct the
3 background information investigation shall complete the
4 background information investigation and report and furnish a
5 copy to the adoption petitioner within thirty days after the
6 filing of the adoption petition. Any person, including a
7 juvenile court, who has gained relevant background information
8 concerning a minor person subject to an adoption petition
9 shall, upon request, fully co-operate with the conducting of
10 the background information postplacement investigation and
11 report by disclosing any relevant background information
12 requested, whether contained in sealed records or not.

13 Sec. 3. Section 600.9, subsection 2, paragraph e, Code
14 1997, is amended to read as follows:

15 e. Costs of the counseling provided to the biological
16 parents prior to the birth of the child, ~~in accordance with~~
17 ~~section 600A.4, subsection 2, to the biological parents prior~~
18 to the release of custody, and any counseling provided to the
19 biological parents for not more than sixty days after the
20 birth of the child.

21 Sec. 4. Section 600.16, subsection 1, unnumbered paragraph
22 1, Code 1997, is amended to read as follows:

23 Any information compiled under section 600.8, subsection 1,
24 paragraph "c", ~~subparagraphs (1) and (2)~~, relating to medical
25 and developmental histories shall be made available at any
26 time by the clerk of court, the department, or any agency
27 which made the placement to:

28 Sec. 5. Section 600A.4, subsection 2, paragraph d, Code
29 1997, is amended to read as follows:

30 d. Shall be preceded by the offering of contain written
31 acknowledgment of the biological parents that after the birth
32 of the child, three hours of counseling has been offered to
33 the biological parents by the agency, the person making an
34 independent placement, an investigator as defined in section
35 600.2, or other qualified counselor regarding the decision to

1 release custody and the alternatives available to the
2 biological parents ~~in-disposition-of-the-child~~. The release
3 of custody shall also contain written acknowledgment of the
4 ~~offering-of-counseling-to-the-biological-parent-and-of~~
5 acceptance or refusal of the counseling. If refused, the
6 biological parents shall be provided with written information
7 regarding the rights and responsibilities associated with
8 releasing custody and including the information that would
9 have been provided to the biological parents if the biological
10 parents had accepted the offer of counseling. The written
11 information provided shall be developed by the department, in
12 the form of a checklist, to facilitate discussion between the
13 biological parents and the agency or person making an
14 independent placement. The written information shall include
15 but is not limited to information regarding adoption records
16 and the release of information contained in adoption records;
17 the permanency of the release of custody, termination of
18 parental rights, and adoption; and an explanation of the legal
19 proceedings and results of the legal proceedings as the
20 proceedings affect the parties to a release of custody,
21 termination of parental rights, and adoption. If accepted,
22 the counseling shall be provided after the birth of the child
23 and prior to the signing of a release of custody or the filing
24 of a petition for termination of parental rights as
25 applicable. Counseling shall be provided only by a person who
26 is qualified under rules adopted by the department of human
27 services which shall include a requirement that the person
28 complete a minimum number of hours of training in the area of
29 adoption-related counseling approved by the department ~~or, in~~
30 ~~the alternative, that the person has a minimum level of~~
31 ~~experience, as determined by rule of the department, in the~~
32 provision of adoption-related counseling. The If counseling
33 is accepted, the counselor shall provide an affidavit, which
34 shall be attached to the release of custody, when practicable,
35 certifying that the counselor has provided the biological

1 parent with the requested counseling ~~or-that-the-biological~~
2 ~~parent-has-refused-counseling-prior-to-the-signing-of-the~~
3 ~~release-of-custody~~ and documentation that the person is
4 qualified to provide the requested counseling as prescribed by
5 this paragraph. The requirements of this paragraph do not
6 apply to a release of custody which is executed for the
7 purposes of a stepparent adoption.

8

EXPLANATION

9 This bill makes changes relating to adoption
10 investigations, reports, and counseling. The requirements of
11 a postplacement investigation and a background information
12 investigation, which were previously included in the same
13 subsection, are rewritten separately. The bill specifies the
14 individuals who may perform a background information
15 investigation and report, requires that the report be filed
16 with the court prior to the adoption hearing, and requires
17 that a copy of the report be provided to the adoption
18 petitioner within 30 days after the filing of the adoption
19 petition. The language relating to the postplacement
20 investigation and report of the investigation is rewritten to
21 specify that the individual who completes the investigation
22 and report is an investigator who is to be appointed by the
23 court following the filing of an adoption petition. The
24 language pertaining to the offering of three hours of
25 counseling prior to a decision to release custody is also
26 rewritten and specifies by whom the counseling may be offered,
27 requires written acknowledgment of the offering and the
28 acceptance or refusal of counseling by the biological parents,
29 and provides that, when practicable, the person who provides
30 counseling is to provide an affidavit certifying that
31 counseling was provided. The language pertaining to the
32 offering of counseling also includes a requirement that if the
33 biological parents refuse the offer of counseling, certain
34 information is to be provided to them, in writing.

35

**HOUSE FILE 2487
FISCAL NOTE**

The estimate for House File 2487 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2487 changes the fines and penalties which must be paid for sale of alcohol to minors. The Bill changes the offense from a serious misdemeanor to a simple misdemeanor.

ASSUMPTIONS

1. The current penalty, which is a serious misdemeanor (a recent law change), has had little impact on the correctional system.
2. The Criminal and Juvenile Justice Planning Division estimates the change will have no significant correctional impact.

CORRECTIONAL IMPACT

House File 2487 is not expected to have a significant correctional impact.

FISCAL IMPACT

House File 2487 is not expected to have a significant fiscal impact.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Corrections
Judicial Department

(LSB 3924HV, DHK)

FILED MARCH 11, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2387

H-8620

1 Amend Senate File 2387, as passed by the Senate, as
2 follows:

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

5 "Section 1. NEW SECTION. 232.6 JURISDICTION --
6 ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS.

7 The court may exercise jurisdiction over adoption
8 and termination of parental rights proceedings under
9 chapters 600 and 600A.

10 Sec. _____. Section 600.1, Code 1997, is amended to
11 read as follows:

12 600.1 CONSTRUCTION.

13 This chapter shall be construed liberally. The
14 best interest of the person to be adopted shall be the
15 paramount consideration in interpreting this chapter.
16 However, the interests of the adopting parents shall
17 be given due consideration in this interpretation.
18 However, in determining the best interest of the
19 person to be adopted and the interests of the adopting
20 parents, any evidence of interests relating to a
21 period of time during which the person to be adopted
22 is placed with prospective adoptive parents and during
23 which the placement is not in compliance with the law,
24 adoption procedures, or any action by the juvenile
25 court or court, shall not be considered in the
26 determination.

27 Sec. _____. Section 600.3, Code 1997, is amended to
28 read as follows:

29 600.3 COMMENCEMENT OF ADOPTION ACTION --
30 JURISDICTION -- FORUM NON CONVENIENS.

31 1. An action for the adoption of any natural
32 person shall be commenced by the filing of an adoption
33 petition, as prescribed in section 600.5, in the
34 juvenile court or court of the county in which an
35 adult person to be adopted is domiciled or resides, or
36 in the juvenile court or court of the county in which
37 the guardian of a minor person to be adopted or the
38 petitioner is domiciled or resides.

39 2. An adoption petition shall not be filed until a
40 termination of parental rights has been accomplished
41 except in the following cases:

42 a. No termination of parental rights is required
43 if the person to be adopted is an adult.

44 b. If the stepparent of the child to be adopted is
45 the adoption petitioner, the parent-child relationship
46 between the child and the parent who is not the spouse
47 of the petitioner may be terminated as part of the
48 adoption proceeding by the filing of that parent's
49 consent to the adoption.

50 For the purposes of this subsection, a consent to

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1 adopt recognized by the juvenile courts or courts of
2 another jurisdiction in the United States and obtained
3 from a resident of that jurisdiction shall be accepted
4 in this state in lieu of a termination of parental
5 rights proceeding.

6 Any adoption proceeding pending on or completed
7 prior to July 1, 1978, is hereby legalized and
8 validated to the extent that it is consistent with
9 this subsection.

10 3. If upon filing of the adoption petition or at
11 any later time in the adoption action the juvenile
12 court or court finds that in the interest of
13 substantial justice the adoption action should be
14 conducted in another juvenile court or court, it may
15 transfer, stay, or dismiss the adoption action on any
16 conditions that are just.

17 Sec. _____. Section 600.4, subsection 3, paragraph
18 c, Code 1997, is amended to read as follows:

19 c. Is unable to petition with the other spouse
20 because of the prolonged and unexplained absence,
21 unavailability, or incapacity of the other spouse, or
22 because of an unreasonable withholding of joinder by
23 the other spouse, as determined by the juvenile court
24 or court under section 600.5, subsection 7.

25 Sec. _____. Section 600.5, unnumbered paragraph 1,
26 Code 1997, is amended to read as follows:

27 An adoption petition shall be signed and verified
28 by the petitioner, shall be filed with the juvenile
29 court or court designated in section 600.3, and shall
30 state:

31 Sec. _____. Section 600.5, subsection 7, Code 1997,
32 is amended to read as follows:

33 7. A designation of the particular provision in
34 section 600.4 under which the petitioner is qualified
35 to adopt and, if under section 600.4, subsection 3,
36 paragraph "c", a request that the juvenile court or
37 court approve the petitioner's qualification to adopt.

38 Sec. _____. Section 600.7, subsection 1, unnumbered
39 paragraph 1, Code 1997, is amended to read as follows:

40 An adoption petition shall not be granted unless
41 the following persons consent to the adoption or
42 unless the juvenile court or court makes a
43 determination under subsection 4:

44 Sec. _____. Section 600.7, subsection 2, paragraphs
45 a and b, Code 1997, are amended to read as follows:

46 a. If by any minor person to be adopted who is
47 fourteen years of age or older, in the presence of the
48 juvenile court or court in which the adoption petition
49 is filed.

50 b. If by any other person, either in the presence

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1 of the juvenile court or court in which the adoption
2 petition is filed or before a notary public.

3 Sec. _____. Section 600.7, subsections 3 and 4, Code
4 1997, are amended to read as follows:

5 3. A consent to the adoption may be withdrawn
6 prior to the issuance of an adoption decree under
7 section 600.13 by the filing of an affidavit of
8 consent withdrawal with the juvenile court or court.
9 Such affidavit shall be treated in the same manner as
10 an attached verified statement is treated under
11 subsection 4.

12 4. If any person required to consent under this
13 section refuses to or cannot be located to give
14 consent, the petitioner may attach to the petition a
15 verified statement of such refusal or lack of
16 location. The juvenile court or court shall then
17 determine, at the adoption hearing prescribed in
18 section 600.12, whether, in the best interests of the
19 person to be adopted and the petitioner, any
20 particular consent shall be unnecessary to the
21 granting of an adoption petition."

22 2. Page 1, by inserting after line 23 the
23 following:

24 "Sec. _____. Section 600.8, subsection 2, paragraph
25 a, Code 1997, is amended to read as follows:

26 a. A preplacement investigation and report of the
27 investigation shall be completed and the prospective
28 adoption petitioner approved for a placement by the
29 person making the investigation prior to any agency or
30 independent placement of a minor person in the
31 petitioner's home in anticipation of an ensuing
32 adoption. A report of a preplacement investigation
33 that has approved a prospective adoption petitioner
34 for a placement shall not authorize placement of a
35 minor person with that petitioner after one year from
36 the date of the report's issuance. However, if the
37 prospective adoption petitioner is a relative within
38 the fourth degree of consanguinity who has assumed
39 custody of a minor person to be adopted, a
40 preplacement investigation of this petitioner and a
41 report of the investigation may be completed at a time
42 established by the juvenile court or court or may be
43 waived as provided in subsection 12."

44 3. Page 1, line 29, by inserting before the word
45 "court" the following: "juvenile court or".

46 4. Page 1, line 32, by inserting before the word
47 "court" the following: "juvenile court or".

48 5. Page 2, lines 6 and 7, by striking the words
49 ", including a juvenile court," and inserting the
50 following: "~~7-including-a-juvenile-court,~~".

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1 6. Page 2, by inserting after line 12 the
2 following:

3 "Sec. _____. Section 600.8, subsections 7, 8, 9, and
4 12, Code 1997, are amended to read as follows:

5 7. Any investigation or report required under this
6 section shall not apply when the person to be adopted
7 is an adult or when the prospective adoption
8 petitioner or adoption petitioner is a stepparent of
9 the person to be adopted. However, in the case of a
10 stepparent adoption, the juvenile court or court, upon
11 the request of an interested person or on its own
12 motion stating the reasons therefor of record, may
13 order an investigation or report pursuant to this
14 section.

15 8. Any person designated to make an investigation
16 and report under this section may request an agency or
17 state agency, within or outside this state, to conduct
18 a portion of the investigation or the report, as may
19 be appropriate, and to file a supplemental report of
20 such investigation or report with the juvenile court
21 or court. In the case of the adoption of a minor
22 person by a person domiciled or residing in any other
23 jurisdiction of the United States, any investigation
24 or report required under this section which has been
25 conducted pursuant to the standards of that other
26 jurisdiction shall be recognized in this state.

27 9. The department may investigate, on its own
28 initiative or on order of the juvenile court or court,
29 any placement made or adoption petition filed under
30 this chapter or chapter 600A and may report its
31 resulting recommendation to the juvenile court or
32 court.

33 12. Any investigation and report required under
34 subsection 1 of this section may be waived by the
35 juvenile court or court if the adoption petitioner is
36 related within the fourth degree of consanguinity to
37 the person to be adopted.

38 Sec. _____. Section 600.9, subsection 2, unnumbered
39 paragraph 1, Code 1997, is amended to read as follows:

40 An adoption petitioner of a minor person shall file
41 with the juvenile court or court, prior to the
42 adoption hearing, a full accounting of all
43 disbursements of any thing of value paid or agreed to
44 be paid by or on behalf of the petitioner in
45 connection with the petitioned adoption. This
46 accounting shall be made by a report prescribed by the
47 juvenile court or court and shall be signed and
48 verified by the petitioner. Only expenses incurred in
49 connection with the following and any other expenses
50 approved by the juvenile court or court are

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1 allowable:"

2 7. Page 2, by inserting after line 20 the
3 following:

4 "Sec. _____. Section 600.10, Code 1997, is amended
5 to read as follows:

6 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

7 The adoption of a minor person shall not be decreed
8 until that person has lived with the adoption
9 petitioner for a minimum residence period of one
10 hundred eighty days. However, the juvenile court or
11 court may waive this period if the adoption petitioner
12 is a stepparent or related to the minor person within
13 the fourth degree of consanguinity or may shorten this
14 period upon good cause shown when the juvenile court
15 or court is satisfied that the adoption petitioner and
16 the person to be adopted are suited to each other.

17 Sec. _____. Section 600.11, subsections 1 and 3,
18 Code 1997, are amended to read as follows:

19 1. The juvenile court or court shall set the time
20 and place of the adoption hearing prescribed in
21 section 600.12 upon application of the petitioner.
22 The juvenile court or court may continue the adoption
23 hearing if the notice prescribed in subsections 2 and
24 3 is given, except that such notice shall only be
25 given at least ten days prior to the date which has
26 been set for the continuation of the adoption hearing.

27 3. A notice of the adoption hearing shall state
28 the time, place, and purpose of the hearing and shall
29 be served in accordance with rule of civil procedure
30 56.1. Proof of the giving of notice shall be filed
31 with the juvenile court or court prior to the adoption
32 hearing. Acceptance of service by the party being
33 given notice shall satisfy the requirements of this
34 subsection.

35 Sec. _____. Section 600.12, subsections 2 and 3,
36 Code 1997, are amended to read as follows:

37 2. Only those persons notified under section
38 600.11 and their witnesses and legal counsel or
39 persons requested by the juvenile court or court to be
40 present shall be admitted to the court chambers while
41 an adoption hearing is being conducted. The adoption
42 petitioner and the person to be adopted shall be
43 present at the hearing, unless the presence of either
44 is excused by the juvenile court or court.

45 3. Any person admitted to the hearing shall be
46 heard and allowed to present evidence upon request and
47 according to the manner in which the juvenile court or
48 court conducts the hearing.

49 Sec. _____. Section 600.13, subsections 1, 2, 3, 5,
50 and 6, Code 1997, are amended to read as follows:

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1 1. At the conclusion of the adoption hearing, the
2 juvenile court or court shall:
3 a. Issue a final adoption decree;
4 b. Issue an interlocutory adoption decree; or,
5 c. Dismiss the adoption petition if the
6 requirements of this Act have not been met or if
7 dismissal of the adoption petition is in the best
8 interest of the person whose adoption has been
9 petitioned. Upon dismissal, the juvenile court or
10 court shall determine who is to be guardian or
11 custodian of a minor child, including the adoption
12 petitioner if it is in the best interest of the minor
13 person whose adoption has been petitioned.

14 2. An interlocutory adoption decree automatically
15 becomes a final adoption decree at a date specified by
16 the juvenile court or court in the interlocutory
17 adoption decree, which date shall not be less than one
18 hundred eighty days nor more than three hundred sixty
19 days from the date the interlocutory decree is issued.
20 However, an interlocutory adoption decree may be
21 vacated prior to the date specified for it to become
22 final. Also, the juvenile court or court may provide
23 in the interlocutory adoption decree for further
24 observation, investigation, and report of the
25 conditions of and the relationships between the
26 adoption petitioner and the person petitioned to be
27 adopted.

28 3. If an interlocutory adoption decree is vacated
29 under subsection 2, it shall be void from the date of
30 issuance and the rights, duties, and liabilities of
31 all persons affected by it shall, unless they have
32 become vested, be governed accordingly. Upon vacation
33 of an interlocutory adoption decree, the juvenile
34 court or court shall proceed under the provisions of
35 subsection 1, paragraph "c".

36 5. An interlocutory or a final adoption decree
37 shall be entered with the clerk of the court. Such
38 decree shall set forth any facts of the adoption
39 petition which have been proven to the satisfaction of
40 the juvenile court or court and any other facts
41 considered to be relevant by the juvenile court or
42 court and shall grant the adoption petition. If so
43 designated in the adoption decree, the name of the
44 adopted person shall be changed by issuance of that
45 decree. The clerk of the court shall, within thirty
46 days of issuance, deliver one certified copy of any
47 adoption decree to the petitioner, one copy of any
48 adoption decree to the department and any agency or
49 person making an independent placement who placed a
50 minor person for adoption, and one certification of

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1 adoption as prescribed in section 144.19 to the state
2 registrar of vital statistics. Upon receipt of the
3 certification, the state registrar shall prepare a new
4 birth certificate pursuant to section 144.23 and
5 deliver to the parents named in the decree and any
6 adult person adopted by the decree a copy of the new
7 birth certificate. The parents shall pay the fee
8 prescribed in section 144.46. If the person adopted
9 was born outside the state, the state registrar shall
10 forward the certification of adoption to the
11 appropriate agency in the state or foreign nation of
12 birth. A copy of any interlocutory adoption decree
13 vacation shall be delivered and another birth
14 certificate shall be prepared in the same manner as a
15 certification of adoption is delivered and the birth
16 certificate was originally prepared.

17 6. The clerk of ~~the-district~~ court shall attach to
18 the certified copy of the decree delivered to the
19 department, a copy of the adoption information form
20 required to be attached to the adoption petition under
21 section 600.6, subsection 5.

22 Sec. _____. Section 600.15, subsection 1, paragraphs
23 a and b, Code 1997, are amended to read as follows:

24 a. A decree establishing a parent-child
25 relationship by adoption which is issued pursuant to
26 due process of law by a juvenile court or court of any
27 other jurisdiction in the United States shall be
28 recognized in this state.

29 b. A decree terminating a parent-child
30 relationship which is issued pursuant to due process
31 of law by a juvenile court or court of any other
32 jurisdiction in the United States shall be recognized
33 in this state."

34 8. Page 2, by inserting after line 27 the
35 following:

36 "Sec. _____. Section 600.16A, subsection 2,
37 paragraphs b and c, Code 1997, are amended to read as
38 follows:

39 b. The juvenile court or court, for good cause,
40 shall order the opening of the permanent adoption
41 record of the juvenile court or court for the adopted
42 person who is an adult and reveal the names of either
43 or both of the biological parents following
44 consideration of both of the following:

45 (1) A biological parent may file an affidavit
46 requesting that the juvenile court or court reveal or
47 not reveal the parent's identity. The juvenile court
48 or court shall consider any such affidavit in
49 determining whether there is good cause to order
50 opening of the records. To facilitate the biological

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1 parents in filing an affidavit, the department shall,
2 upon request of a biological parent, provide the
3 biological parent with an adoption information packet
4 containing an affidavit for completion and filing with
5 the juvenile court or court.

6 (2) If the adopted person who applies for
7 revelation of the biological parents' identity has a
8 sibling who is a minor and who has been adopted by the
9 same parents, the juvenile court or court may deny the
10 application on the grounds that revelation to the
11 applicant may also indirectly and harmfully permit the
12 same revelation to the applicant's minor sibling.

13 c. A biological sibling of an adopted person may
14 file or may request that the department file an
15 affidavit in the juvenile court or court in which the
16 adopted person's adoption records have been sealed
17 requesting that the juvenile court or court reveal or
18 not reveal the sibling's name to the adopted person.
19 The juvenile court or court shall consider any such
20 affidavit in determining whether there is good cause
21 to order opening of the records upon application for
22 revelation by the adopted person. However, the name
23 of the biological sibling shall not be revealed until
24 the biological sibling has attained majority.

25 Sec. _____. Section 600.16A, subsection 3, paragraph
26 b, unnumbered paragraph 3, Code 1997, is amended to
27 read as follows:

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

38 Sec. _____. Section 600.16A, subsection 4, Code
39 1997, is amended to read as follows:

40 4. An adopted person whose adoption became final
41 prior to July 4, 1941, and whose adoption record was
42 not required to be sealed at the time when the
43 adoption record was completed, shall not be required
44 to show good cause for an order opening the adoption
45 record under this subsection, provided that the
46 juvenile court or court shall consider any affidavit
47 filed under this subsection.

48 Sec. _____. Section 600.18, unnumbered paragraph 1,
49 Code 1997, is amended to read as follows:

50 Any prospective adoptive parent desiring financial

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1 assistance shall state this fact in the petition for
 2 adoption. The department of human services shall
 3 investigate the person petitioning for adoption and
 4 the child and shall file with the juvenile court or
 5 court a statement of whether the department will
 6 provide assistance as provided in sections 600.17 to
 7 600.22, the estimated amount, extent, and duration of
 8 assistance, and any other information the juvenile
 9 court or court may order."

10 9. Page 4, by inserting after line 7 the
 11 following:

12 "Sec. _____. Section 602.8102, subsections 42 and
 13 43, Code Supplement 1997, are amended to read as
 14 follows:

15 42. Serve as clerk of the juvenile court and carry
 16 out duties as provided in chapter 232 and article 7 of
 17 this chapter.

18 43. Submit to the director of the division of
 19 child and family services of the department of human
 20 services a duplicate of the findings of the district
 21 court related to adoptions as provided in section
 22 235.3, subsection 7."

23 10. Title page, line 2, by inserting after the
 24 words "related to" the following: "jurisdiction,".

25 11. By renumbering as necessary.

By KREIMAN of Davis

H-8620 FILED MARCH 24, 1998

Root 4-7-98
(P1338)

SENATE FILE 2387

H-8854

1 Amend Senate File 2387, as passed by the Senate, as
 2 follows:

3 1. Page 3, by striking lines 5 through 21 and
 4 inserting the following: "acceptance or refusal of
 5 the counseling. If accepted,".

By LAMBERTI of Polk

H-8854 FILED APRIL 1, 1998

Adopted
4-7-98
(P1339)

SENATE FILE 2387

H-8543

1 Amend Senate File 2387 as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 20, the
4 following:

5 "Sec. ____ . NEW SECTION. 600.12A DEATH OF PERSON
6 TO BE ADOPTED -- PROCESS FOR FINAL ADOPTION DECREE.

7 1. If the person to be adopted dies following the
8 filing of an adoption petition pursuant to section
9 600.3, but prior to issuance of a final adoption
10 decree pursuant to section 600.13, the court may waive
11 any investigations and reports required pursuant to
12 section 600.8 that remain uncompleted, waive the
13 minimum residence requirements pursuant to section
14 600.10, proceed to the adoption hearing, and issue a
15 final adoption decree, unless any person to whom
16 notice is to be provided pursuant to section 600.11
17 objects to the adoption.

18 2. A final adoption decree issued pursuant to this
19 section terminates any parental rights existing prior
20 to the time of its issuance and establishes the
21 parent-child relationship between the adoption
22 petitioner and the person adopted. However, the final
23 adoption decree does not confer any rights on the
24 adoption petitioner to the estate of the adopted
25 person and does not confer any rights on the adopted
26 person to the estate of the adoption petitioner."

A.

27 2. Page 4, by inserting after line 7 the
28 following:

29 "Sec. ____ . PENDING PROCEEDINGS. A termination of
30 parental rights proceeding or an adoption proceeding
31 pending on July 1, 1998, or a release of custody
32 properly executed prior to July 1, 1998, shall not be
33 affected by the provisions of this Act."

B

34 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
LAMBERTI of Polk, Chairperson

H-8543 FILED MARCH 23, 1998

A. W/D 4/7/98 (p. 1329)

B. adopted 4/7/98 (p. 1329)

SENATE FILE 2387

H-8959

1 Amend Senate File 2387 as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 20, the
4 following:
5 "Sec. ____ . Section 600.12A, if enacted by the 1998
6 Iowa Acts, Senate File 2338, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. 1A. If the person to be adopted
9 dies following termination of the parental rights of
10 the person's biological parents but prior to the
11 filing of an adoption petition, the person who was the
12 guardian or custodian of the person to be adopted
13 prior to the person's death or the person who was in a
14 parent-child relationship with the person to be
15 adopted prior to the person's death may file an
16 adoption petition and the court in the interest of
17 justice may waive any other procedures or requirements
18 related to the adoption, proceed to the adoption
19 hearing, and issue a final adoption decree, unless any
20 person to whom notice is to be provided pursuant to
21 section 600.11 objects to the adoption."
22 2. By renumbering as necessary.

By FOEGE of Linn
CARROLL of Poweshiek
KREIMAN of Davis

H-8959 FILED APRIL 6, 1998

*adopted 4-7-98
(P.1330)*

H-8950

1 Amend Senate File 2387 as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 20, the
4 following:

5 "Sec. ____ . NEW SECTION. 600.14A VALIDITY OF
6 ADOPTION DECREES.

7 1. Subject to the disposition of any appeal
8 pursuant to section 600.14 and notwithstanding any
9 longer period otherwise available, upon the expiration
10 of three months from the date of the entry of a final
11 adoption decree, any irregularities in the proceedings
12 are deemed cured, and the validity of the decree shall
13 not be subject to attack either through direct or
14 collateral proceedings on any grounds including but
15 not limited to a procedural or jurisdictional defect,
16 failure to give any required notice, fraud, duress,
17 misrepresentation, or any of the grounds for vacating
18 or modifying a judgment under the Iowa rules of civil
19 procedure.

20 2. If the validity of a final adoption decree is
21 attacked, the paramount consideration of the court
22 shall be the best interest of the person who is the
23 subject of the proceeding."

24 2. By renumbering as necessary.

By LAMBERTI of Polk

H-8950 FILED APRIL 6, 1998

Adopted
4-1-98
(P. 1339)

S-5550

1 Amend Senate File 2387 as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 20, the
4 following:

5 "Sec. ____ . Section 600.12A, if enacted by the 1998
6 Iowa Acts, Senate File 2338, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 1A. If the person to be adopted
9 dies following termination of the parental rights of
10 the person's biological parents but prior to the
11 filing of an adoption petition, the person who was the
12 guardian or custodian of the person to be adopted
13 prior to the person's death or the person who was in a
14 parent-child relationship with the person to be
15 adopted prior to the person's death may file an
16 adoption petition and the court in the interest of
17 justice may waive any other procedures or requirements
18 related to the adoption, proceed to the adoption
19 hearing, and issue a final adoption decree, unless any
20 person to whom notice is to be provided pursuant to
21 section 600.11 objects to the adoption."

22 2. Page 2, by inserting after line 20, the
23 following:

24 "Sec. ____ . NEW SECTION. 600.14A VALIDITY OF
25 ADOPTION DECREES.

26 1. Subject to the disposition of any appeal
27 pursuant to section 600.14 and notwithstanding any
28 longer period otherwise available, upon the expiration
29 of three months from the date of the entry of a final
30 adoption decree, any irregularities in the proceedings
31 are deemed cured, and the validity of the decree shall
32 not be subject to attack either through direct or
33 collateral proceedings on any grounds including but
34 not limited to a procedural or jurisdictional defect,
35 failure to give any required notice, fraud, duress,
36 misrepresentation, or any of the grounds for vacating
37 or modifying a judgment under the Iowa rules of civil
38 procedure.

39 2. If the validity of a final adoption decree is
40 attacked, the paramount consideration of the court
41 shall be the best interest of the person who is the
42 subject of the proceeding."

43 3. Page 3, by striking lines 5 through 21 and
44 inserting the following: "acceptance or refusal of
45 the counseling. If accepted,".

46 4. Page 4, by inserting after line 7 the
47 following:

48 "Sec. ____ . PENDING PROCEEDINGS. A termination of
49 parental rights proceeding or an adoption proceeding
50 pending on July 1, 1998, or a release of custody

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Page 2

1 properly executed prior to July 1, 1998, shall not be
2 affected by the provisions of this Act."

3 5. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5550 FILED APRIL 7, 1998

(P. 1195)

Senate Concurred 4/13/98
MTR - Prescribed
Senate Concurred as Amended 4/15/98

SENATE FILE 2387

S-5597

1 Amend the House amendment, S-5550, to Senate File
2 2387, as passed by the Senate, as follows:

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

5 " . Page 1, by striking line 32 and inserting
6 the following: "court shall immediately appoint the
7 department, an agency, or".

8 2. By renumbering as necessary.

By O. GENE MADDOX

(P.1195) Adopted 4-13-98 - Motion to R/C by Maddox 4/13/98
S-5597 FILED APRIL 9, 1998 Motion Prevald 4/15/98
S-5597 now withdrawn 4-15-98

S-5623

1 Amend the House amendment, S-5550, to Senate File
2 2387, as passed by the Senate, as follows:

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

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 232.6 JURISDICTION --
8 ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS.

9 The court may exercise jurisdiction over adoption
10 and termination of parental rights proceedings under
11 chapters 600 and 600A.

12 Sec. _____. Section 600.1, Code 1997, is amended to
13 read as follows:

14 600.1 CONSTRUCTION.

15 This chapter shall be construed liberally. The
16 best interest of the person to be adopted shall be the
17 paramount consideration in interpreting this chapter.
18 However, the interests of the adopting parents shall
19 be given due consideration in this interpretation.
20 However, in determining the best interest of the
21 person to be adopted and the interests of the adopting
22 parents, any evidence of interests relating to a
23 period of time during which the person to be adopted
24 is placed with prospective adoptive parents and during
25 which the placement is not in compliance with the law,
26 adoption procedures, or any action by the juvenile
27 court or court, shall not be considered in the
28 determination.

29 Sec. _____. Section 600.3, Code 1997, is amended to
30 read as follows:

31 600.3 COMMENCEMENT OF ADOPTION ACTION --
32 JURISDICTION -- FORUM NON CONVENIENS.

33 1. An action for the adoption of any natural
34 person shall be commenced by the filing of an adoption
35 petition, as prescribed in section 600.5, in the
36 juvenile court or court of the county in which an
37 adult person to be adopted is domiciled or resides, or
38 in the juvenile court or court of the county in which
39 the guardian of a minor person to be adopted or the
40 petitioner is domiciled or resides.

41 2. An adoption petition shall not be filed until a
42 termination of parental rights has been accomplished
43 except in the following cases:

44 a. No termination of parental rights is required
45 if the person to be adopted is an adult.

46 b. If the stepparent of the child to be adopted is
47 the adoption petitioner, the parent-child relationship
48 between the child and the parent who is not the spouse
49 of the petitioner may be terminated as part of the
50 adoption proceeding by the filing of that parent's

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1 consent to the adoption.

2 For the purposes of this subsection, a consent to
3 adopt recognized by the juvenile courts or courts of
4 another jurisdiction in the United States and obtained
5 from a resident of that jurisdiction shall be accepted
6 in this state in lieu of a termination of parental
7 rights proceeding.

8 Any adoption proceeding pending on or completed
9 prior to July 1, 1978, is hereby legalized and
10 validated to the extent that it is consistent with
11 this subsection.

12 3. If upon filing of the adoption petition or at
13 any later time in the adoption action the juvenile
14 court or court finds that in the interest of
15 substantial justice the adoption action should be
16 conducted in another juvenile court or court, it may
17 transfer, stay, or dismiss the adoption action on any
18 conditions that are just.

19 Sec. _____. Section 600.4, subsection 3, paragraph
20 c, Code 1997, is amended to read as follows:

21 c. Is unable to petition with the other spouse
22 because of the prolonged and unexplained absence,
23 unavailability, or incapacity of the other spouse, or
24 because of an unreasonable withholding of joinder by
25 the other spouse, as determined by the juvenile court
26 or court under section 600.5, subsection 7.

27 Sec. _____. Section 600.5, unnumbered paragraph 1,
28 Code 1997, is amended to read as follows:

29 An adoption petition shall be signed and verified
30 by the petitioner, shall be filed with the juvenile
31 court or court designated in section 600.3, and shall
32 state:

33 Sec. _____. Section 600.5, subsection 7, Code 1997,
34 is amended to read as follows:

35 7. A designation of the particular provision in
36 section 600.4 under which the petitioner is qualified
37 to adopt and, if under section 600.4, subsection 3,
38 paragraph "c", a request that the juvenile court or
39 court approve the petitioner's qualification to adopt.

40 Sec. _____. Section 600.7, subsection 1, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:

42 An adoption petition shall not be granted unless
43 the following persons consent to the adoption or
44 unless the juvenile court or court makes a
45 determination under subsection 4:

46 Sec. _____. Section 600.7, subsection 2, paragraphs
47 a and b, Code 1997, are amended to read as follows:

48 a. If by any minor person to be adopted who is
49 fourteen years of age or older, in the presence of the
50 juvenile court or court in which the adoption petition

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1 is filed.

2 b. If by any other person, either in the presence
3 of the juvenile court or court in which the adoption
4 petition is filed or before a notary public.

5 Sec. _____. Section 600.7, subsections 3 and 4, Code
6 1997, are amended to read as follows:

7 3. A consent to the adoption may be withdrawn
8 prior to the issuance of an adoption decree under
9 section 600.13 by the filing of an affidavit of
10 consent withdrawal with the juvenile court or court.
11 Such affidavit shall be treated in the same manner as
12 an attached verified statement is treated under
13 subsection 4.

14 4. If any person required to consent under this
15 section refuses to or cannot be located to give
16 consent, the petitioner may attach to the petition a
17 verified statement of such refusal or lack of
18 location. The juvenile court or court shall then
19 determine, at the adoption hearing prescribed in
20 section 600.12, whether, in the best interests of the
21 person to be adopted and the petitioner, any
22 particular consent shall be unnecessary to the
23 granting of an adoption petition."

24 _____. Page 1, by inserting after line 23 the
25 following:

26 "Sec. _____. Section 600.8, subsection 2, paragraph
27 a, Code 1997, is amended to read as follows:

28 a. A preplacement investigation and report of the
29 investigation shall be completed and the prospective
30 adoption petitioner approved for a placement by the
31 person making the investigation prior to any agency or
32 independent placement of a minor person in the
33 petitioner's home in anticipation of an ensuing
34 adoption. A report of a preplacement investigation
35 that has approved a prospective adoption petitioner
36 for a placement shall not authorize placement of a
37 minor person with that petitioner after one year from
38 the date of the report's issuance. However, if the
39 prospective adoption petitioner is a relative within
40 the fourth degree of consanguinity who has assumed
41 custody of a minor person to be adopted, a
42 preplacement investigation of this petitioner and a
43 report of the investigation may be completed at a time
44 established by the juvenile court or court or may be
45 waived as provided in subsection 12."

46 _____. Page 1, line 29, by inserting before the
47 word "court" the following: "juvenile court or".

48 _____. Page 1, line 32, by inserting before the
49 word "court" the following: "juvenile court or".

50 _____. Page 2, lines 6 and 7, by striking the words

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1 ", including a juvenile court," and inserting the
2 following: "~~including a juvenile court~~".

3 _____. Page 2, by inserting after line 12 the
4 following:

5 "Sec. _____. Section 600.8, subsections 7, 8, 9, and
6 12, Code 1997, are amended to read as follows:

7 7. Any investigation or report required under this
8 section shall not apply when the person to be adopted
9 is an adult or when the prospective adoption
10 petitioner or adoption petitioner is a stepparent of
11 the person to be adopted. However, in the case of a
12 stepparent adoption, the juvenile court or court, upon
13 the request of an interested person or on its own
14 motion stating the reasons therefor of record, may
15 order an investigation or report pursuant to this
16 section.

17 8. Any person designated to make an investigation
18 and report under this section may request an agency or
19 state agency, within or outside this state, to conduct
20 a portion of the investigation or the report, as may
21 be appropriate, and to file a supplemental report of
22 such investigation or report with the juvenile court
23 or court. In the case of the adoption of a minor
24 person by a person domiciled or residing in any other
25 jurisdiction of the United States, any investigation
26 or report required under this section which has been
27 conducted pursuant to the standards of that other
28 jurisdiction shall be recognized in this state.

29 9. The department may investigate, on its own
30 initiative or on order of the juvenile court or court,
31 any placement made or adoption petition filed under
32 this chapter or chapter 600A and may report its
33 resulting recommendation to the juvenile court or
34 court.

35 12. Any investigation and report required under
36 subsection 1 of this section may be waived by the
37 juvenile court or court if the adoption petitioner is
38 related within the fourth degree of consanguinity to
39 the person to be adopted.

40 Sec. _____. Section 600.9, subsection 2, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:

42 An adoption petitioner of a minor person shall file
43 with the juvenile court or court, prior to the
44 adoption hearing, a full accounting of all
45 disbursements of any thing of value paid or agreed to
46 be paid by or on behalf of the petitioner in
47 connection with the petitioned adoption. This
48 accounting shall be made by a report prescribed by the
49 juvenile court or court and shall be signed and
50 verified by the petitioner. Only expenses incurred in

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1 connection with the following and any other expenses
2 approved by the juvenile court or court are
3 allowable:""

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

6 ""Sec. _____. Section 600.10, Code 1997, is amended
7 to read as follows:

8 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

9 The adoption of a minor person shall not be decreed
10 until that person has lived with the adoption
11 petitioner for a minimum residence period of one
12 hundred eighty days. However, the juvenile court or
13 court may waive this period if the adoption petitioner
14 is a stepparent or related to the minor person within
15 the fourth degree of consanguinity or may shorten this
16 period upon good cause shown when the juvenile court
17 or court is satisfied that the adoption petitioner and
18 the person to be adopted are suited to each other.

19 Sec. _____. Section 600.11, subsections 1 and 3,
20 Code 1997, are amended to read as follows:

21 1. The juvenile court or court shall set the time
22 and place of the adoption hearing prescribed in
23 section 600.12 upon application of the petitioner.
24 The juvenile court or court may continue the adoption
25 hearing if the notice prescribed in subsections 2 and
26 3 is given, except that such notice shall only be
27 given at least ten days prior to the date which has
28 been set for the continuation of the adoption hearing.

29 3. A notice of the adoption hearing shall state
30 the time, place, and purpose of the hearing and shall
31 be served in accordance with rule of civil procedure
32 56.1. Proof of the giving of notice shall be filed
33 with the juvenile court or court prior to the adoption
34 hearing. Acceptance of service by the party being
35 given notice shall satisfy the requirements of this
36 subsection.

37 Sec. _____. Section 600.12, subsections 2 and 3,
38 Code 1997, are amended to read as follows:

39 2. Only those persons notified under section
40 600.11 and their witnesses and legal counsel or
41 persons requested by the juvenile court or court to be
42 present shall be admitted to the court chambers while
43 an adoption hearing is being conducted. The adoption
44 petitioner and the person to be adopted shall be
45 present at the hearing, unless the presence of either
46 is excused by the juvenile court or court.

47 3. Any person admitted to the hearing shall be
48 heard and allowed to present evidence upon request and
49 according to the manner in which the juvenile court or
50 court conducts the hearing.

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1 Sec. _____. Section 600.13, subsections 1, 2, 3, 5,
2 and 6, Code 1997, are amended to read as follows:

3 1. At the conclusion of the adoption hearing, the
4 juvenile court or court shall:

5 a. Issue a final adoption decree;

6 b. Issue an interlocutory adoption decree; or,

7 c. Dismiss the adoption petition if the

8 requirements of this Act have not been met or if
9 dismissal of the adoption petition is in the best

10 interest of the person whose adoption has been
11 petitioned. Upon dismissal, the juvenile court or

12 court shall determine who is to be guardian or
13 custodian of a minor child, including the adoption

14 petitioner if it is in the best interest of the minor
15 person whose adoption has been petitioned.

16 2. An interlocutory adoption decree automatically
17 becomes a final adoption decree at a date specified by

18 the juvenile court or court in the interlocutory
19 adoption decree, which date shall not be less than one

20 hundred eighty days nor more than three hundred sixty
21 days from the date the interlocutory decree is issued.

22 However, an interlocutory adoption decree may be

23 vacated prior to the date specified for it to become
24 final. Also, the juvenile court or court may provide

25 in the interlocutory adoption decree for further
26 observation, investigation, and report of the

27 conditions of and the relationships between the

28 adoption petitioner and the person petitioned to be
29 adopted.

30 3. If an interlocutory adoption decree is vacated
31 under subsection 2, it shall be void from the date of

32 issuance and the rights, duties, and liabilities of

33 all persons affected by it shall, unless they have

34 become vested, be governed accordingly. Upon vacation
35 of an interlocutory adoption decree, the juvenile

36 court or court shall proceed under the provisions of
37 subsection 1, paragraph "c".

38 5. An interlocutory or a final adoption decree

39 shall be entered with the clerk of the court. Such

40 decree shall set forth any facts of the adoption

41 petition which have been proven to the satisfaction of

42 the juvenile court or court and any other facts

43 considered to be relevant by the juvenile court or

44 court and shall grant the adoption petition. If so

45 designated in the adoption decree, the name of the

46 adopted person shall be changed by issuance of that

47 decree. The clerk of the court shall, within thirty

48 days of issuance, deliver one certified copy of any

49 adoption decree to the petitioner, one copy of any

50 adoption decree to the department and any agency or

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1 person making an independent placement who placed a
 2 minor person for adoption, and one certification of
 3 adoption as prescribed in section 144.19 to the state
 4 registrar of vital statistics. Upon receipt of the
 5 certification, the state registrar shall prepare a new
 6 birth certificate pursuant to section 144.23 and
 7 deliver to the parents named in the decree and any
 8 adult person adopted by the decree a copy of the new
 9 birth certificate. The parents shall pay the fee
 10 prescribed in section 144.46. If the person adopted
 11 was born outside the state, the state registrar shall
 12 forward the certification of adoption to the
 13 appropriate agency in the state or foreign nation of
 14 birth. A copy of any interlocutory adoption decree
 15 vacation shall be delivered and another birth
 16 certificate shall be prepared in the same manner as a
 17 certification of adoption is delivered and the birth
 18 certificate was originally prepared.

19 6. The clerk of ~~the-district~~ court shall attach to
 20 the certified copy of the decree delivered to the
 21 department, a copy of the adoption information form
 22 required to be attached to the adoption petition under
 23 section 600.6, subsection 5."

24 3. Page 1, by inserting after line 42 the
 25 following:

26 "Sec. _____. Section 600.15, subsection 1,
 27 paragraphs a and b, Code 1997, are amended to read as
 28 follows:

29 a. A decree establishing a parent-child
 30 relationship by adoption which is issued pursuant to
 31 due process of law by a juvenile court or court of any
 32 other jurisdiction in the United States shall be
 33 recognized in this state.

34 b. A decree terminating a parent-child
 35 relationship which is issued pursuant to due process
 36 of law by a juvenile court or court of any other
 37 jurisdiction in the United States shall be recognized
 38 in this state."

39 _____. Page 2, by inserting after line 27 the
 40 following:

41 "Sec. _____. Section 600.16A, subsection 2,
 42 paragraphs b and c, Code 1997, are amended to read as
 43 follows:

44 b. The juvenile court or court, for good cause,
 45 shall order the opening of the permanent adoption
 46 record of the juvenile court or court for the adopted
 47 person who is an adult and reveal the names of either
 48 or both of the biological parents following
 49 consideration of both of the following:

50 (1) A biological parent may file an affidavit

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1 requesting that the juvenile court or court reveal or
2 not reveal the parent's identity. The juvenile court
3 or court shall consider any such affidavit in
4 determining whether there is good cause to order
5 opening of the records. To facilitate the biological
6 parents in filing an affidavit, the department shall,
7 upon request of a biological parent, provide the
8 biological parent with an adoption information packet
9 containing an affidavit for completion and filing with
10 the juvenile court or court.

11 (2) If the adopted person who applies for
12 revelation of the biological parents' identity has a
13 sibling who is a minor and who has been adopted by the
14 same parents, the juvenile court or court may deny the
15 application on the grounds that revelation to the
16 applicant may also indirectly and harmfully permit the
17 same revelation to the applicant's minor sibling.

18 c. A biological sibling of an adopted person may
19 file or may request that the department file an
20 affidavit in the juvenile court or court in which the
21 adopted person's adoption records have been sealed
22 requesting that the juvenile court or court reveal or
23 not reveal the sibling's name to the adopted person.
24 The juvenile court or court shall consider any such
25 affidavit in determining whether there is good cause
26 to order opening of the records upon application for
27 revelation by the adopted person. However, the name
28 of the biological sibling shall not be revealed until
29 the biological sibling has attained majority.

30 Sec. _____. Section 600.16A, subsection 3, paragraph
31 b, unnumbered paragraph 3, Code 1997, is amended to
32 read as follows:

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

43 Sec. _____. Section 600.16A, subsection 4, Code
44 1997, is amended to read as follows:

45 4. An adopted person whose adoption became final
46 prior to July 4, 1941, and whose adoption record was
47 not required to be sealed at the time when the
48 adoption record was completed, shall not be required
49 to show good cause for an order opening the adoption
50 record under this subsection, provided that the

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1 juvenile court or court shall consider any affidavit
2 filed under this subsection.

3 Sec. _____. Section 600.18, unnumbered paragraph 1,
4 Code 1997, is amended to read as follows:

5 Any prospective adoptive parent desiring financial
6 assistance shall state this fact in the petition for
7 adoption. The department of human services shall
8 investigate the person petitioning for adoption and
9 the child and shall file with the juvenile court or
10 court a statement of whether the department will
11 provide assistance as provided in sections 600.17 to
12 600.22, the estimated amount, extent, and duration of
13 assistance, and any other information the juvenile
14 court or court may order."

15 4. Page 1, by inserting after line 47 the
16 following:

17 "Sec. _____. Section 602.8102, subsections 42 and
18 43, Code Supplement 1997, are amended to read as
19 follows:

20 42. Serve as clerk of the juvenile court and carry
21 out duties as provided in chapter 232 and article 7 of
22 this chapter.

23 43. Submit to the director of the division of
24 child and family services of the department of human
25 services a duplicate of the findings of the ~~district~~
26 court related to adoptions as provided in section
27 235.3, subsection 7."

28 5. Page 2, by inserting after line 2 the
29 following:

30 "_____. Title page, line 2, by inserting after the
31 words "related to" the following: "jurisdiction,"."

By O. GENE MADDOX

S-5623 FILED APRIL 13, 1998
ADOPTED

(P. 1195)

SENATE FILE 2387

S-5632

1 Amend the House amendment, S-5550, to Senate File
2 2387, as passed by the Senate, as follows:

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

5 "_____. Page 1, line 32, by striking the words "the
6 ~~department, an agency, or~~" and inserting the
7 following: "the department, an agency, or".

Adopted 4/15/98 By O. GENE MADDOX

S-5632 FILED APRIL 14, 1998 (P. 1277)

SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 2387

H-9194

1 Amend the House amendment, S-5550, to Senate File
2 2387, as passed by the Senate, as follows:

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

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 232.6 JURISDICTION --
8 ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS.

9 The court may exercise jurisdiction over adoption
10 and termination of parental rights proceedings under
11 chapters 600 and 600A.

12 Sec. ____ . Section 600.1, Code 1997, is amended to
13 read as follows:

14 600.1 CONSTRUCTION.

15 This chapter shall be construed liberally. The
16 best interest of the person to be adopted shall be the
17 paramount consideration in interpreting this chapter.
18 However, the interests of the adopting parents shall
19 be given due consideration in this interpretation.
20 However, in determining the best interest of the
21 person to be adopted and the interests of the adopting
22 parents, any evidence of interests relating to a
23 period of time during which the person to be adopted
24 is placed with prospective adoptive parents and during
25 which the placement is not in compliance with the law,
26 adoption procedures, or any action by the juvenile
27 court or court, shall not be considered in the
28 determination.

29 Sec. ____ . Section 600.3, Code 1997, is amended to
30 read as follows:

31 600.3 COMMENCEMENT OF ADOPTION ACTION --
32 JURISDICTION -- FORUM NON CONVENIENS.

33 1. An action for the adoption of any natural
34 person shall be commenced by the filing of an adoption
35 petition, as prescribed in section 600.5, in the
36 juvenile court or court of the county in which an
37 adult person to be adopted is domiciled or resides, or
38 in the juvenile court or court of the county in which
39 the guardian of a minor person to be adopted or the
40 petitioner is domiciled or resides.

41 2. An adoption petition shall not be filed until a
42 termination of parental rights has been accomplished
43 except in the following cases:

44 a. No termination of parental rights is required
45 if the person to be adopted is an adult.

46 b. If the stepparent of the child to be adopted is
47 the adoption petitioner, the parent-child relationship
48 between the child and the parent who is not the spouse
49 of the petitioner may be terminated as part of the
50 adoption proceeding by the filing of that parent's

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1 consent to the adoption.

2 For the purposes of this subsection, a consent to
3 adopt recognized by the juvenile courts or courts of
4 another jurisdiction in the United States and obtained
5 from a resident of that jurisdiction shall be accepted
6 in this state in lieu of a termination of parental
7 rights proceeding.

8 Any adoption proceeding pending on or completed
9 prior to July 1, 1978, is hereby legalized and
10 validated to the extent that it is consistent with
11 this subsection.

12 3. If upon filing of the adoption petition or at
13 any later time in the adoption action the juvenile
14 court or court finds that in the interest of
15 substantial justice the adoption action should be
16 conducted in another juvenile court or court, it may
17 transfer, stay, or dismiss the adoption action on any
18 conditions that are just.

19 Sec. _____. Section 600.4, subsection 3, paragraph
20 c, Code 1997, is amended to read as follows:

21 c. Is unable to petition with the other spouse
22 because of the prolonged and unexplained absence,
23 unavailability, or incapacity of the other spouse, or
24 because of an unreasonable withholding of joinder by
25 the other spouse, as determined by the juvenile court
26 or court under section 600.5, subsection 7.

27 Sec. _____. Section 600.5, unnumbered paragraph 1,
28 Code 1997, is amended to read as follows:

29 An adoption petition shall be signed and verified
30 by the petitioner, shall be filed with the juvenile
31 court or court designated in section 600.3, and shall
32 state:

33 Sec. _____. Section 600.5, subsection 7, Code 1997,
34 is amended to read as follows:

35 7. A designation of the particular provision in
36 section 600.4 under which the petitioner is qualified
37 to adopt and, if under section 600.4, subsection 3,
38 paragraph "c", a request that the juvenile court or
39 court approve the petitioner's qualification to adopt.

40 Sec. _____. Section 600.7, subsection 1, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:

42 An adoption petition shall not be granted unless
43 the following persons consent to the adoption or
44 unless the juvenile court or court makes a
45 determination under subsection 4:

46 Sec. _____. Section 600.7, subsection 2, paragraphs
47 a and b, Code 1997, are amended to read as follows:

48 a. If by any minor person to be adopted who is
49 fourteen years of age or older, in the presence of the
50 juvenile court or court in which the adoption petition

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Page 3

1 is filed.

2 b. If by any other person, either in the presence
3 of the juvenile court or court in which the adoption
4 petition is filed or before a notary public.

5 Sec. _____. Section 600.7, subsections 3 and 4, Code
6 1997, are amended to read as follows:

7 3. A consent to the adoption may be withdrawn
8 prior to the issuance of an adoption decree under
9 section 600.13 by the filing of an affidavit of
10 consent withdrawal with the juvenile court or court.
11 Such affidavit shall be treated in the same manner as
12 an attached verified statement is treated under
13 subsection 4.

14 4. If any person required to consent under this
15 section refuses to or cannot be located to give
16 consent, the petitioner may attach to the petition a
17 verified statement of such refusal or lack of
18 location. The juvenile court or court shall then
19 determine, at the adoption hearing prescribed in
20 section 600.12, whether, in the best interests of the
21 person to be adopted and the petitioner, any
22 particular consent shall be unnecessary to the
23 granting of an adoption petition."

24 _____. Page 1, by inserting after line 23 the
25 following:

26 "Sec. _____. Section 600.8, subsection 2, paragraph
27 a, Code 1997, is amended to read as follows:

28 a. A preplacement investigation and report of the
29 investigation shall be completed and the prospective
30 adoption petitioner approved for a placement by the
31 person making the investigation prior to any agency or
32 independent placement of a minor person in the
33 petitioner's home in anticipation of an ensuing
34 adoption. A report of a preplacement investigation
35 that has approved a prospective adoption petitioner
36 for a placement shall not authorize placement of a
37 minor person with that petitioner after one year from
38 the date of the report's issuance. However, if the
39 prospective adoption petitioner is a relative within
40 the fourth degree of consanguinity who has assumed
41 custody of a minor person to be adopted, a
42 preplacement investigation of this petitioner and a
43 report of the investigation may be completed at a time
44 established by the juvenile court or court or may be
45 waived as provided in subsection 12."

46 _____. Page 1, line 29, by inserting before the
47 word "court" the following: "juvenile court or".

48 _____. Page 1, line 32, by inserting before the
49 word "court" the following: "juvenile court or".

50 _____. Page 2, lines 6 and 7, by striking the words

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1 ", including a juvenile court," and inserting the
2 following: "~~7-including-a-juvenile-court~~".

3 _____. Page 2, by inserting after line 12 the
4 following:

5 "Sec. _____. Section 600.8, subsections 7, 8, 9, and
6 12, Code 1997, are amended to read as follows:

7 7. Any investigation or report required under this
8 section shall not apply when the person to be adopted
9 is an adult or when the prospective adoption
10 petitioner or adoption petitioner is a stepparent of
11 the person to be adopted. However, in the case of a
12 stepparent adoption, the juvenile court or court, upon
13 the request of an interested person or on its own
14 motion stating the reasons therefor of record, may
15 order an investigation or report pursuant to this
16 section.

17 8. Any person designated to make an investigation
18 and report under this section may request an agency or
19 state agency, within or outside this state, to conduct
20 a portion of the investigation or the report, as may
21 be appropriate, and to file a supplemental report of
22 such investigation or report with the juvenile court
23 or court. In the case of the adoption of a minor
24 person by a person domiciled or residing in any other
25 jurisdiction of the United States, any investigation
26 or report required under this section which has been
27 conducted pursuant to the standards of that other
28 jurisdiction shall be recognized in this state.

29 9. The department may investigate, on its own
30 initiative or on order of the juvenile court or court,
31 any placement made or adoption petition filed under
32 this chapter or chapter 600A and may report its
33 resulting recommendation to the juvenile court or
34 court.

35 12. Any investigation and report required under
36 subsection 1 of this section may be waived by the
37 juvenile court or court if the adoption petitioner is
38 related within the fourth degree of consanguinity to
39 the person to be adopted.

40 Sec. _____. Section 600.9, subsection 2, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:

42 An adoption petitioner of a minor person shall file
43 with the juvenile court or court, prior to the
44 adoption hearing, a full accounting of all
45 disbursements of any thing of value paid or agreed to
46 be paid by or on behalf of the petitioner in
47 connection with the petitioned adoption. This
48 accounting shall be made by a report prescribed by the
49 juvenile court or court and shall be signed and
50 verified by the petitioner. Only expenses incurred in

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1 connection with the following and any other expenses
2 approved by the juvenile court or court are
3 allowable:"

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

6 "____. Page 1, line 32, by striking the words "~~the~~
7 ~~department,-an-agency,-or~~" and inserting the
8 following: "the department, an agency, or".

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

11 ""Sec. _____. Section 600.10, Code 1997, is amended
12 to read as follows:

13 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

14 The adoption of a minor person shall not be decreed
15 until that person has lived with the adoption
16 petitioner for a minimum residence period of one
17 hundred eighty days. However, the juvenile court or
18 court may waive this period if the adoption petitioner
19 is a stepparent or related to the minor person within
20 the fourth degree of consanguinity or may shorten this
21 period upon good cause shown when the juvenile court
22 or court is satisfied that the adoption petitioner and
23 the person to be adopted are suited to each other.

24 Sec. _____. Section 600.11, subsections 1 and 3,
25 Code 1997, are amended to read as follows:

26 1. The juvenile court or court shall set the time
27 and place of the adoption hearing prescribed in
28 section 600.12 upon application of the petitioner.
29 The juvenile court or court may continue the adoption
30 hearing if the notice prescribed in subsections 2 and
31 3 is given, except that such notice shall only be
32 given at least ten days prior to the date which has
33 been set for the continuation of the adoption hearing.

34 3. A notice of the adoption hearing shall state
35 the time, place, and purpose of the hearing and shall
36 be served in accordance with rule of civil procedure
37 56.1. Proof of the giving of notice shall be filed
38 with the juvenile court or court prior to the adoption
39 hearing. Acceptance of service by the party being
40 given notice shall satisfy the requirements of this
41 subsection.

42 Sec. _____. Section 600.12, subsections 2 and 3,
43 Code 1997, are amended to read as follows:

44 2. Only those persons notified under section
45 600.11 and their witnesses and legal counsel or
46 persons requested by the juvenile court or court to be
47 present shall be admitted to the court chambers while
48 an adoption hearing is being conducted. The adoption
49 petitioner and the person to be adopted shall be
50 present at the hearing, unless the presence of either

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1 is excused by the juvenile court or court.

2 3. Any person admitted to the hearing shall be
3 heard and allowed to present evidence upon request and
4 according to the manner in which the juvenile court or
5 court conducts the hearing.

6 Sec. _____. Section 600.13, subsections 1, 2, 3, 5,
7 and 6, Code 1997, are amended to read as follows:

8 1. At the conclusion of the adoption hearing, the
9 juvenile court or court shall:

10 a. Issue a final adoption decree;

11 b. Issue an interlocutory adoption decree; or,

12 c. Dismiss the adoption petition if the
13 requirements of this Act have not been met or if
14 dismissal of the adoption petition is in the best
15 interest of the person whose adoption has been
16 petitioned. Upon dismissal, the juvenile court or
17 court shall determine who is to be guardian or
18 custodian of a minor child, including the adoption
19 petitioner if it is in the best interest of the minor
20 person whose adoption has been petitioned.

21 2. An interlocutory adoption decree automatically
22 becomes a final adoption decree at a date specified by
23 the juvenile court or court in the interlocutory
24 adoption decree, which date shall not be less than one
25 hundred eighty days nor more than three hundred sixty
26 days from the date the interlocutory decree is issued.
27 However, an interlocutory adoption decree may be
28 vacated prior to the date specified for it to become
29 final. Also, the juvenile court or court may provide
30 in the interlocutory adoption decree for further
31 observation, investigation, and report of the
32 conditions of and the relationships between the
33 adoption petitioner and the person petitioned to be
34 adopted.

35 3. If an interlocutory adoption decree is vacated
36 under subsection 2, it shall be void from the date of
37 issuance and the rights, duties, and liabilities of
38 all persons affected by it shall, unless they have
39 become vested, be governed accordingly. Upon vacation
40 of an interlocutory adoption decree, the juvenile
41 court or court shall proceed under the provisions of
42 subsection 1, paragraph "c".

43 5. An interlocutory or a final adoption decree
44 shall be entered with the clerk of the court. Such
45 decree shall set forth any facts of the adoption
46 petition which have been proven to the satisfaction of
47 the juvenile court or court and any other facts
48 considered to be relevant by the juvenile court or
49 court and shall grant the adoption petition. If so
50 designated in the adoption decree, the name of the

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1 adopted person shall be changed by issuance of that
2 decree. The clerk of the court shall, within thirty
3 days of issuance, deliver one certified copy of any
4 adoption decree to the petitioner, one copy of any
5 adoption decree to the department and any agency or
6 person making an independent placement who placed a
7 minor person for adoption, and one certification of
8 adoption as prescribed in section 144.19 to the state
9 registrar of vital statistics. Upon receipt of the
10 certification, the state registrar shall prepare a new
11 birth certificate pursuant to section 144.23 and
12 deliver to the parents named in the decree and any
13 adult person adopted by the decree a copy of the new
14 birth certificate. The parents shall pay the fee
15 prescribed in section 144.46. If the person adopted
16 was born outside the state, the state registrar shall
17 forward the certification of adoption to the
18 appropriate agency in the state or foreign nation of
19 birth. A copy of any interlocutory adoption decree
20 vacation shall be delivered and another birth
21 certificate shall be prepared in the same manner as a
22 certification of adoption is delivered and the birth
23 certificate was originally prepared.

24 6. The clerk of ~~the-district~~ court shall attach to
25 the certified copy of the decree delivered to the
26 department, a copy of the adoption information form
27 required to be attached to the adoption petition under
28 section 600.6, subsection 5."

29 4. Page 1, by inserting after line 42 the
30 following:

31 "Sec. _____. Section 600.15, subsection 1,
32 paragraphs a and b, Code 1997, are amended to read as
33 follows:

34 a. A decree establishing a parent-child
35 relationship by adoption which is issued pursuant to
36 due process of law by a juvenile court or court of any
37 other jurisdiction in the United States shall be
38 recognized in this state.

39 b. A decree terminating a parent-child
40 relationship which is issued pursuant to due process
41 of law by a juvenile court or court of any other
42 jurisdiction in the United States shall be recognized
43 in this state."

44 _____. Page 2, by inserting after line 27 the
45 following:

46 "Sec. _____. Section 600.16A, subsection 2,
47 paragraphs b and c, Code 1997, are amended to read as
48 follows:

49 b. The juvenile court or court, for good cause,
50 shall order the opening of the permanent adoption

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1 record of the juvenile court or court for the adopted
2 person who is an adult and reveal the names of either
3 or both of the biological parents following
4 consideration of both of the following:

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

16 (2) If the adopted person who applies for
17 revelation of the biological parents' identity has a
18 sibling who is a minor and who has been adopted by the
19 same parents, the juvenile court or court may deny the
20 application on the grounds that revelation to the
21 applicant may also indirectly and harmfully permit the
22 same revelation to the applicant's minor sibling.

23 c. A biological sibling of an adopted person may
24 file or may request that the department file an
25 affidavit in the juvenile court or court in which the
26 adopted person's adoption records have been sealed
27 requesting that the juvenile court or court reveal or
28 not reveal the sibling's name to the adopted person.
29 The juvenile court or court shall consider any such
30 affidavit in determining whether there is good cause
31 to order opening of the records upon application for
32 revelation by the adopted person. However, the name
33 of the biological sibling shall not be revealed until
34 the biological sibling has attained majority.

35 Sec. _____. Section 600.16A, subsection 3, paragraph
36 b, unnumbered paragraph 3, Code 1997, is amended to
37 read as follows:

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

48 Sec. _____. Section 600.16A, subsection 4, Code
49 1997, is amended to read as follows:

50 4. An adopted person whose adoption became final

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1 prior to July 4, 1941, and whose adoption record was
2 not required to be sealed at the time when the
3 adoption record was completed, shall not be required
4 to show good cause for an order opening the adoption
5 record under this subsection, provided that the
6 juvenile court or court shall consider any affidavit
7 filed under this subsection.

8 Sec. _____. Section 600.18, unnumbered paragraph 1,
9 Code 1997, is amended to read as follows:

10 Any prospective adoptive parent desiring financial
11 assistance shall state this fact in the petition for
12 adoption. The department of human services shall
13 investigate the person petitioning for adoption and
14 the child and shall file with the juvenile court or
15 court a statement of whether the department will
16 provide assistance as provided in sections 600.17 to
17 600.22, the estimated amount, extent, and duration of
18 assistance, and any other information the juvenile
19 court or court may order."

20 5. Page 1, by inserting after line 47 the
21 following:

22 "Sec. _____. Section 602.8102, subsections 42 and
23 43, Code Supplement 1997, are amended to read as
24 follows:

25 42. Serve as clerk of the juvenile court and carry
26 out duties as provided in chapter 232 and article 7 of
27 this chapter.

28 43. Submit to the director of the division of
29 child and family services of the department of human
30 services a duplicate of the findings of the district
31 court related to adoptions as provided in section
32 235.3, subsection 7."

33 6. Page 2, by inserting after line 2 the
34 following:

35 "_____. Title page, line 2, by inserting after the
36 words "related to" the following: "jurisdiction,"."

37 7. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-9194 FILED APRIL 15, 1998

Maddox
Boettger
Hammond

SSB 2108
Judiciary

SENATE FILE SF 11F 2387
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MCKEAN)

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

A BILL FOR

1 An Act relating to adoption procedural requirements including
2 those related to investigations, reports, and counseling.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 600.8, subsection 1, paragraph c, Code
2 1997, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 c. A background information investigation and a report of
5 the investigation shall be made by the agency, the person
6 making an independent placement, or an investigator. The
7 background information investigation and report shall not
8 disclose the identity of the biological parents of the minor
9 person to be adopted. The report shall be completed and filed
10 with the court prior to the holding of the adoption hearing
11 prescribed in section 600.12. The report shall be in
12 substantial conformance with the prescribed medical and social
13 history forms designed by the department pursuant to section
14 600A.4, subsection 2, paragraph "f". A copy of the background
15 information investigation report shall be furnished to the
16 adoption petitioners within thirty days after the filing of
17 the adoption petition. Any person, including a juvenile
18 court, who has gained relevant background information
19 concerning a minor person subject to an adoption petition
20 shall, upon request, fully cooperate with the conducting of a
21 background information investigation by disclosing any
22 relevant background information, whether contained in sealed
23 records or not.

24 Sec. 2. Section 600.8, subsection 4, Code 1997, is amended
25 to read as follows:

26 4. A postplacement investigation and-a-background
27 ~~information-investigation and the reports-of-these~~
28 investigations report of the investigation shall be completed
29 and ~~the-reports~~ filed with the court prior to the holding of
30 the adoption hearing prescribed in section 600.12. Upon the
31 filing of an adoption petition pursuant to section 600.5, the
32 court shall immediately appoint ~~the-department, an-agency, or~~
33 an investigator to conduct and complete the postplacement and
34 ~~background-information-investigations-and-reports~~ report. In
35 ~~addition-to-filing-the-background-information-report-with-the~~

1 ~~court-prior-to-the-holding-of-the-adoption-hearing, the~~
2 ~~department, agency, or investigator appointed to conduct the~~
3 ~~background information investigation shall complete the~~
4 ~~background information investigation and report and furnish a~~
5 ~~copy to the adoption petitioner within thirty days after the~~
6 ~~filing of the adoption petition.~~ Any person, including a
7 juvenile court, who has gained relevant background information
8 concerning a minor person subject to an adoption petition
9 shall, upon request, fully co-operate with the conducting of
10 the ~~background information~~ postplacement investigation and
11 report by disclosing any relevant background information
12 requested, whether contained in sealed records or not.

13 Sec. 3. Section 600.9, subsection 2, paragraph e, Code
14 1997, is amended to read as follows:

15 e. Costs of the counseling provided to the biological
16 parents prior to the birth of the child, ~~in accordance with~~
17 ~~section 600A.4, subsection 2, to the biological parents prior~~
18 to the release of custody, and any counseling provided to the
19 biological parents for not more than sixty days after the
20 birth of the child.

21 Sec. 4. Section 600.16, subsection 1, unnumbered paragraph
22 1, Code 1997, is amended to read as follows:

23 Any information compiled under section 600.8, subsection 1,
24 paragraph "c", ~~subparagraphs (1) and (2)~~, relating to medical
25 and developmental histories shall be made available at any
26 time by the clerk of court, the department, or any agency
27 which made the placement to:

28 Sec. 5. Section 600A.4, subsection 2, paragraph d, Code
29 1997, is amended to read as follows:

30 d. ~~Shall be preceded by the offering of~~ contain written
31 acknowledgment of the biological parents that after the birth
32 of the child, three hours of counseling has been offered to
33 the biological parents by the agency, the person making an
34 independent placement, an investigator as defined in section
35 600.2, or other qualified counselor regarding the decision to

1 release custody and the alternatives available to the
2 biological parents ~~in-disposition-of-the-child~~. The release
3 of custody shall also contain written acknowledgment of the
4 ~~offering-of-counseling-to-the-biological-parent-and-of~~
5 acceptance or refusal of the counseling. If accepted, the
6 counseling shall be provided after the birth of the child and
7 prior to the signing of a release of custody or the filing of
8 a petition for termination of parental rights as applicable.
9 Counseling shall be provided only by a person who is qualified
10 under rules adopted by the department of human services which
11 shall include a requirement that the person complete a minimum
12 number of hours of training in the area of adoption-related
13 counseling approved by the department ~~or-in-the-alternative~~
14 ~~that-the-person-has-a-minimum-level-of-experience-as~~
15 ~~determined-by-rule-of-the-department-in-the-provision-of~~
16 ~~adoption-related-counseling~~. The If counseling is accepted,
17 the counselor shall provide an affidavit, which shall be
18 attached to the release of custody, when practicable,
19 certifying that the counselor has provided the biological
20 parent with the requested counseling ~~or-that-the-biological~~
21 ~~parent-has-refused-counseling-prior-to-the-signing-of-the~~
22 ~~release-of-custody~~ and documentation that the person is
23 qualified to provide the requested counseling as prescribed by
24 this paragraph. The requirements of this paragraph do not
25 apply to a release of custody which is executed for the
26 purposes of a stepparent adoption.

27 EXPLANATION

28 This bill makes changes relating to adoption
29 investigations, reports, and counseling. The requirements of
30 a postplacement investigation and a background information
31 investigation, which were previously included in the same
32 subsection, are rewritten separately. The bill specifies the
33 individuals who may perform a background information
34 investigation and report, requires that the report be filed
35 with the court prior to the adoption hearing, and requires

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1 that a copy of the report be provided to the adoption
2 petitioner within 30 days after the filing of the adoption
3 petition. The language relating to the postplacement
4 investigation and report of the investigation is rewritten to
5 specify that the individual who completes the investigation
6 and report is an investigator who is to be appointed by the
7 court following the filing of an adoption petition. The
8 language pertaining to the offering of three hours of
9 counseling prior to a decision to release custody is also
10 rewritten and specifies by whom the counseling may be offered,
11 requires written acknowledgment of the offering and the
12 acceptance or refusal of counseling by the biological parents,
13 and provides that, when practicable, the person who provides
14 counseling is to provide an affidavit certifying that
15 counseling was provided.

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