

Maddox  
Lamberti  
Hansen

SSB-1187  
Judiciary

Succeeded By  
SENATE/HOUSE FILE SE7HF 421  
BY (PROPOSED JUDICIAL  
BRANCH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act to extend the jurisdiction of the juvenile court to  
2 include adoption and termination of parental rights  
3 proceedings.

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

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1 Section 1. NEW SECTION. 232.6 JURISDICTION -- ADOPTIONS  
2 AND TERMINATIONS OF PARENTAL RIGHTS.

3 The court may exercise jurisdiction over adoption and  
4 termination of parental rights proceedings under chapters 600  
5 and 600A.

6 Sec. 2. Section 600.1, Code 1999, is amended to read as  
7 follows:

8 600.1 CONSTRUCTION.

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

21 Sec. 3. Section 600.3, Code 1999, is amended to read as  
22 follows:

23 600.3 COMMENCEMENT OF ADOPTION ACTION -- JURISDICTION --  
24 FORUM NON CONVENIENS.

25 1. An action for the adoption of any natural person shall  
26 be commenced by the filing of an adoption petition, as  
27 prescribed in section 600.5, in the juvenile court or court of  
28 the county in which an adult person to be adopted is domiciled  
29 or resides, or in the juvenile court or court of the county in  
30 which the guardian of a minor person to be adopted or the  
31 petitioner is domiciled or resides.

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

35 a. No termination of parental rights is required if the

1 person to be adopted is an adult.

2 b. If the stepparent of the child to be adopted is the  
3 adoption petitioner, the parent-child relationship between the  
4 child and the parent who is not the spouse of the petitioner  
5 may be terminated as part of the adoption proceeding by the  
6 filing of that parent's consent to the adoption.

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

12 Any adoption proceeding pending on or completed prior to  
13 July 1, 1978, is hereby legalized and validated to the extent  
14 that it is consistent with this subsection.

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

21 Sec. 4. Section 600.4, subsection 3, paragraph c, Code  
22 1999, is amended to read as follows:

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

28 Sec. 5. Section 600.5, unnumbered paragraph 1, Code 1999,  
29 is amended to read as follows:

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

33 Sec. 6. Section 600.5, subsection 7, Code 1999, is amended  
34 to read as follows:

35 7. A designation of the particular provision in section

1 600.4 under which the petitioner is qualified to adopt and, if  
2 under section 600.4, subsection 3, paragraph "c", a request  
3 that the juvenile court or court approve the petitioner's  
4 qualification to adopt.

5 Sec. 7. Section 600.7, subsection 1, unnumbered paragraph  
6 1, Code 1999, is amended to read as follows:

7 An adoption petition shall not be granted unless the  
8 following persons consent to the adoption or unless the  
9 juvenile court or court makes a determination under subsection  
10 4:

11 Sec. 8. Section 600.7, subsection 2, paragraphs a and b,  
12 Code 1999, are amended to read as follows:

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

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

19 Sec. 9. Section 600.7, subsections 3 and 4, Code 1999, are  
20 amended to read as follows:

21 3. A consent to the adoption may be withdrawn prior to the  
22 issuance of an adoption decree under section 600.13 by the  
23 filing of an affidavit of consent withdrawal with the juvenile  
24 court or court. Such affidavit shall be treated in the same  
25 manner as an attached verified statement is treated under  
26 subsection 4.

27 4. If any person required to consent under this section  
28 refuses to or cannot be located to give consent, the  
29 petitioner may attach to the petition a verified statement of  
30 such refusal or lack of location. The juvenile court or court  
31 shall then determine, at the adoption hearing prescribed in  
32 section 600.12, whether, in the best interests of the person  
33 to be adopted and the petitioner, any particular consent shall  
34 be unnecessary to the granting of an adoption petition.

35 Sec. 10. Section 600.8, subsection 2, paragraph a, Code

1 1999, is amended to read as follows:

2 a. A preplacement investigation and report of the  
3 investigation shall be completed and the prospective adoption  
4 petitioner approved for a placement by the person making the  
5 investigation prior to any agency or independent placement of  
6 a minor person in the petitioner's home in anticipation of an  
7 ensuing adoption. A report of a preplacement investigation  
8 that has approved a prospective adoption petitioner for a  
9 placement shall not authorize placement of a minor person with  
10 that petitioner after one year from the date of the report's  
11 issuance. However, if the prospective adoption petitioner is  
12 a relative within the fourth degree of consanguinity who has  
13 assumed custody of a minor person to be adopted, a  
14 preplacement investigation of this petitioner and a report of  
15 the investigation may be completed at a time established by  
16 the juvenile court or court or may be waived as provided in  
17 subsection 12.

18 Sec. 11. Section 600.8, subsections 4, 7, 8, 9, and 12,  
19 Code 1999, are amended to read as follows:

20 4. A postplacement investigation and a background  
21 information investigation and the reports of these  
22 investigations shall be completed and the reports filed with  
23 the juvenile court or court prior to the holding of the  
24 adoption hearing prescribed in section 600.12. Upon the  
25 filing of an adoption petition pursuant to section 600.5, the  
26 juvenile court or court shall immediately appoint the  
27 department, an agency, or an investigator to conduct and  
28 complete the postplacement and background information  
29 investigations and reports. In addition to filing the  
30 background information report with the juvenile court or court  
31 prior to the holding of the adoption hearing, the department,  
32 agency, or investigator appointed to conduct the background  
33 information investigation shall complete the background  
34 information investigation and report and furnish a copy to the  
35 adoption petitioner within thirty days after the filing of the

1 adoption petition. Any person, ~~including a juvenile court,~~  
2 who has gained relevant background information concerning a  
3 minor person subject to an adoption petition shall, upon  
4 request, fully co-operate with the conducting of the  
5 background information investigation and report by disclosing  
6 any relevant background information, whether contained in  
7 sealed records or not.

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

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

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

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

1 Sec. 12. Section 600.9, subsection 2, unnumbered paragraph  
2 1, Code 1999, is amended to read as follows:

3 An adoption petitioner of a minor person shall file with  
4 the juvenile court or court, prior to the adoption hearing, a  
5 full accounting of all disbursements of any thing of value  
6 paid or agreed to be paid by or on behalf of the petitioner in  
7 connection with the petitioned adoption. This accounting  
8 shall be made by a report prescribed by the juvenile court or  
9 court and shall be signed and verified by the petitioner.

10 Only expenses incurred in connection with the following and  
11 any other expenses approved by the juvenile court or court are  
12 allowable:

13 Sec. 13. Section 600.10, Code 1999, is amended to read as  
14 follows:

15 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

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

25 Sec. 14. Section 600.11, subsections 1 and 3, Code 1999,  
26 are amended to read as follows:

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

35 3. A notice of the adoption hearing shall state the time,

1 place, and purpose of the hearing and shall be served in  
2 accordance with rule of civil procedure 56.1. Proof of the  
3 giving of notice shall be filed with the juvenile court or  
4 court prior to the adoption hearing. Acceptance of service by  
5 the party being given notice shall satisfy the requirements of  
6 this subsection.

7 Sec. 15. Section 600.12, subsections 2 and 3, Code 1999,  
8 are amended to read as follows:

9 2. Only those persons notified under section 600.11 and  
10 their witnesses and legal counsel or persons requested by the  
11 juvenile court or court to be present shall be admitted to the  
12 court chambers while an adoption hearing is being conducted.  
13 The adoption petitioner and the person to be adopted shall be  
14 present at the hearing, unless the presence of either is  
15 excused by the juvenile court or court.

16 3. Any person admitted to the hearing shall be heard and  
17 allowed to present evidence upon request and according to the  
18 manner in which the juvenile court or court conducts the  
19 hearing.

20 Sec. 16. Section 600.12A, subsections 1 and 2, Code 1999,  
21 are amended to read as follows:

22 1. If the person to be adopted dies following the filing  
23 of an adoption petition pursuant to section 600.3, but prior  
24 to issuance of a final adoption decree pursuant to section  
25 600.13, the juvenile court or court may waive any  
26 investigations and reports required pursuant to section 600.8  
27 that remain uncompleted, waive the minimum residence  
28 requirements pursuant to section 600.10, proceed to the  
29 adoption hearing, and issue a final adoption decree, unless  
30 any person to whom notice is to be provided pursuant to  
31 section 600.11 objects to the adoption.

32 2. If the person to be adopted dies following termination  
33 of the parental rights of the person's biological parents but  
34 prior to the filing of an adoption petition, the person who  
35 was the guardian or custodian of the person to be adopted

1 prior to the person's death or the person who was in a parent-  
 2 child relationship with the person to be adopted prior to the  
 3 person's death may file an adoption petition and the juvenile  
 4 court or court in the interest of justice may waive any other  
 5 procedures or requirements related to the adoption, proceed to  
 6 the adoption hearing, and issue a final adoption decree,  
 7 unless any person to whom notice is to be provided pursuant to  
 8 section 600.11 objects to the adoption.

9 Sec. 17. Section 600.13, subsections 1, 2, 3, 5, and 6,  
 10 Code 1999, are amended to read as follows:

11 1. At the conclusion of the adoption hearing, the juvenile  
 12 court or court shall:

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

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

35 3. If an interlocutory adoption decree is vacated under

1 subsection 2, it shall be void from the date of issuance and  
2 the rights, duties, and liabilities of all persons affected by  
3 it shall, unless they have become vested, be governed  
4 accordingly. Upon vacation of an interlocutory adoption  
5 decree, the juvenile court or court shall proceed under the  
6 provisions of subsection 1, paragraph "c".

7 5. An interlocutory or a final adoption decree shall be  
8 entered with the clerk of the court. Such decree shall set  
9 forth any facts of the adoption petition which have been  
10 proven to the satisfaction of the juvenile court or court and  
11 any other facts considered to be relevant by the juvenile  
12 court or court and shall grant the adoption petition. If so  
13 designated in the adoption decree, the name of the adopted  
14 person shall be changed by issuance of that decree. The clerk  
15 of the court shall, within thirty days of issuance, deliver  
16 one certified copy of any adoption decree to the petitioner,  
17 one copy of any adoption decree to the department and any  
18 agency or person making an independent placement who placed a  
19 minor person for adoption, and one certification of adoption  
20 as prescribed in section 144.19 to the state registrar of  
21 vital statistics. Upon receipt of the certification, the  
22 state registrar shall prepare a new birth certificate pursuant  
23 to section 144.23 and deliver to the parents named in the  
24 decree and any adult person adopted by the decree a copy of  
25 the new birth certificate. The parents shall pay the fee  
26 prescribed in section 144.46. If the person adopted was born  
27 outside the state, the state registrar shall forward the  
28 certification of adoption to the appropriate agency in the  
29 state or foreign nation of birth. A copy of any interlocutory  
30 adoption decree vacation shall be delivered and another birth  
31 certificate shall be prepared in the same manner as a  
32 certification of adoption is delivered and the birth  
33 certificate was originally prepared.

34 6. The clerk of the ~~district~~ court shall attach to the  
35 certified copy of the decree delivered to the department, a

1 copy of the adoption information form required to be attached  
2 to the adoption petition under section 600.6, subsection 5.

3 Sec. 18. Section 600.15, subsection 1, paragraphs a and b,  
4 Code 1999, are amended to read as follows:

5 a. A decree establishing a parent-child relationship by  
6 adoption which is issued pursuant to due process of law by a  
7 juvenile court or court of any other jurisdiction in the  
8 United States shall be recognized in this state.

9 b. A decree terminating a parent-child relationship which  
10 is issued pursuant to due process of law by a juvenile court  
11 or court of any other jurisdiction in the United States shall  
12 be recognized in this state.

13 Sec. 19. Section 600.16A, subsection 2, paragraphs b and  
14 c, Code 1999, are amended to read as follows:

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

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

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

35 c. A biological sibling of an adopted person may file or

1 may request that the department file an affidavit in the  
2 juvenile court or court in which the adopted person's adoption  
3 records have been sealed requesting that the juvenile court or  
4 court reveal or not reveal the sibling's name to the adopted  
5 person. The juvenile court or court shall consider any such  
6 affidavit in determining whether there is good cause to order  
7 opening of the records upon application for revelation by the  
8 adopted person. However, the name of the biological sibling  
9 shall not be revealed until the biological sibling has  
10 attained majority.

11 Sec. 20. Section 600.16A, subsection 3, paragraph b,  
12 unnumbered paragraph 3, Code 1999, is amended to read as  
13 follows:

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

23 Sec. 21. Section 600.16A, subsection 4, Code 1999, is  
24 amended to read as follows:

25 4. An adopted person whose adoption became final prior to  
26 July 4, 1941, and whose adoption record was not required to be  
27 sealed at the time when the adoption record was completed,  
28 shall not be required to show good cause for an order opening  
29 the adoption record under this subsection, provided that the  
30 juvenile court or court shall consider any affidavit filed  
31 under this subsection.

32 Sec. 22. Section 600.18, unnumbered paragraph 1, Code  
33 1999, is amended to read as follows:

34 Any prospective adoptive parent desiring financial  
35 assistance shall state this fact in the petition for adoption.

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

8 Sec. 23. Section 602.8102, subsections 42 and 43, Code  
9 1999, are amended to read as follows:

10 42. Serve as clerk of the juvenile court and carry out  
11 duties as provided in chapter 232 and article 7 of this  
12 chapter.

13 43. Submit to the director of the division of child and  
14 family services of the department of human services a  
15 duplicate of the findings of the ~~district~~ court related to  
16 adoptions as provided in section 235.3, subsection 7.

17 EXPLANATION

18 This bill permits the juvenile court to exercise  
19 jurisdiction over adoption proceedings and specifies that the  
20 juvenile court also exercises jurisdiction over proceedings  
21 for termination of parental rights. Currently, adoption  
22 proceedings may only be presided over by a district court  
23 judge.

24 Currently, the termination of parental rights chapter, Code  
25 chapter 600A, provides for the exercise of jurisdiction by the  
26 juvenile court in those matters. However, Code chapter 232,  
27 which establishes the parameters of juvenile court  
28 jurisdiction under Code section 602.7101, contains no  
29 reference to the exercise of jurisdiction under Code chapter  
30 600A. The bill adds a reference to Code chapter 600A and Code  
31 chapter 232 to provide for juvenile court exercise of  
32 jurisdiction in those matters.

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## MEMORANDUM

**TO: MEMBERS OF THE GENERAL ASSEMBLY**  
**FROM: IOWA JUDICIAL BRANCH**  
**DATE: FEBRUARY 25, 1999**  
**RE: TLSB 2524DP**

This bill is offered by the Judicial Branch on behalf of the Supreme Court Select Committee to Review State Court Practices in Juvenile Welfare Matters. Established in 1995, this committee is charged with assessing court performance in abuse, neglect and foster care litigation; developing a plan to improve the administration of justice in foster care cases; and implementing a plan for improvement. As part of its review, the committee has discovered the division of jurisdiction for termination of parental rights and subsequent adoptions results in unnecessary delays in the adoption of children, hardship for the parents, and a waste of financial and judicial resources. The purpose of this proposed legislation is to expand the jurisdiction of associate juvenile judges to include adoptions.

If you have questions, please contact David Boyd at 281-5241.

H. 3/19/99 Judiciary  
H. 3/31/99 Do Pass  
H. 3/15/00 Do Pass  
H. 3/23/00 re-referenced Business Calendar

FILED MAR 15 1999

421

SENATE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1187)

Passed Senate, Date 3/18/99 Passed House, Date 4-3-00  
Vote: Ayes 43 Nays 5 Vote: Ayes 98 Nays 0  
Approved 4-26-00

**A BILL FOR**

1 An Act to extend the jurisdiction of the juvenile court to  
2 include adoption and termination of parental rights  
3 proceedings.

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

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SF 421

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2 AND TERMINATIONS OF PARENTAL RIGHTS.

3 The court may exercise jurisdiction over adoption and  
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5 and 600A.

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7 follows:

8 600.1 CONSTRUCTION.

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

21 Sec. 3. Section 600.3, Code 1999, is amended to read as  
22 follows:

23 600.3 COMMENCEMENT OF ADOPTION ACTION -- JURISDICTION --  
24 FORUM NON CONVENIENS.

25 1. An action for the adoption of any natural person shall  
26 be commenced by the filing of an adoption petition, as  
27 prescribed in section 600.5, in the juvenile court or court of  
28 the county in which an adult person to be adopted is domiciled  
29 or resides, or in the juvenile court or court of the county in  
30 which the guardian of a minor person to be adopted or the  
31 petitioner is domiciled or resides.

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

35 a. No termination of parental rights is required if the

1 person to be adopted is an adult.

2 b. If the stepparent of the child to be adopted is the  
3 adoption petitioner, the parent-child relationship between the  
4 child and the parent who is not the spouse of the petitioner  
5 may be terminated as part of the adoption proceeding by the  
6 filing of that parent's consent to the adoption.

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

12 Any adoption proceeding pending on or completed prior to  
13 July 1, 1978, is hereby legalized and validated to the extent  
14 that it is consistent with this subsection.

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

21 Sec. 4. Section 600.4, subsection 3, paragraph c, Code  
22 1999, is amended to read as follows:

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

28 Sec. 5. Section 600.5, unnumbered paragraph 1, Code 1999,  
29 is amended to read as follows:

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

33 Sec. 6. Section 600.5, subsection 7, Code 1999, is amended  
34 to read as follows:

35 7. A designation of the particular provision in section

1 600.4 under which the petitioner is qualified to adopt and, if  
2 under section 600.4, subsection 3, paragraph "c", a request  
3 that the juvenile court or court approve the petitioner's  
4 qualification to adopt.

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6 1, Code 1999, is amended to read as follows:

7 An adoption petition shall not be granted unless the  
8 following persons consent to the adoption or unless the  
9 juvenile court or court makes a determination under subsection  
10 4:

11 Sec. 8. Section 600.7, subsection 2, paragraphs a and b,  
12 Code 1999, are amended to read as follows:

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

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

19 Sec. 9. Section 600.7, subsections 3 and 4, Code 1999, are  
20 amended to read as follows:

21 3. A consent to the adoption may be withdrawn prior to the  
22 issuance of an adoption decree under section 600.13 by the  
23 filing of an affidavit of consent withdrawal with the juvenile  
24 court or court. Such affidavit shall be treated in the same  
25 manner as an attached verified statement is treated under  
26 subsection 4.

27 4. If any person required to consent under this section  
28 refuses to or cannot be located to give consent, the  
29 petitioner may attach to the petition a verified statement of  
30 such refusal or lack of location. The juvenile court or court  
31 shall then determine, at the adoption hearing prescribed in  
32 section 600.12, whether, in the best interests of the person  
33 to be adopted and the petitioner, any particular consent shall  
34 be unnecessary to the granting of an adoption petition.

35 Sec. 10. Section 600.8, subsection 2, paragraph a, Code

1 1999, is amended to read as follows:

2 a. A preplacement investigation and report of the  
3 investigation shall be completed and the prospective adoption  
4 petitioner approved for a placement by the person making the  
5 investigation prior to any agency or independent placement of  
6 a minor person in the petitioner's home in anticipation of an  
7 ensuing adoption. A report of a preplacement investigation  
8 that has approved a prospective adoption petitioner for a  
9 placement shall not authorize placement of a minor person with  
10 that petitioner after one year from the date of the report's  
11 issuance. However, if the prospective adoption petitioner is  
12 a relative within the fourth degree of consanguinity who has  
13 assumed custody of a minor person to be adopted, a  
14 preplacement investigation of this petitioner and a report of  
15 the investigation may be completed at a time established by  
16 the juvenile court or court or may be waived as provided in  
17 subsection 12.

18 Sec. 11. Section 600.8, subsections 4, 7, 8, 9, and 12,  
19 Code 1999, are amended to read as follows:

20 4. A postplacement investigation and a background  
21 information investigation and the reports of these  
22 investigations shall be completed and the reports filed with  
23 the juvenile court or court prior to the holding of the  
24 adoption hearing prescribed in section 600.12. Upon the  
25 filing of an adoption petition pursuant to section 600.5, the  
26 juvenile court or court shall immediately appoint the  
27 department, an agency, or an investigator to conduct and  
28 complete the postplacement and background information  
29 investigations and reports. In addition to filing the  
30 background information report with the juvenile court or court  
31 prior to the holding of the adoption hearing, the department,  
32 agency, or investigator appointed to conduct the background  
33 information investigation shall complete the background  
34 information investigation and report and furnish a copy to the  
35 adoption petitioner within thirty days after the filing of the

1 adoption petition. Any person, ~~including a juvenile court,~~  
2 who has gained relevant background information concerning a  
3 minor person subject to an adoption petition shall, upon  
4 request, fully co-operate with the conducting of the  
5 background information investigation and report by disclosing  
6 any relevant background information, whether contained in  
7 sealed records or not.

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

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

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

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

1 Sec. 12. Section 600.9, subsection 2, unnumbered paragraph  
2 1, Code 1999, is amended to read as follows:

3 An adoption petitioner of a minor person shall file with  
4 the juvenile court or court, prior to the adoption hearing, a  
5 full accounting of all disbursements of any thing of value  
6 paid or agreed to be paid by or on behalf of the petitioner in  
7 connection with the petitioned adoption. This accounting  
8 shall be made by a report prescribed by the juvenile court or  
9 court and shall be signed and verified by the petitioner.  
10 Only expenses incurred in connection with the following and  
11 any other expenses approved by the juvenile court or court are  
12 allowable:

13 Sec. 13. Section 600.10, Code 1999, is amended to read as  
14 follows:

15 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

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

25 Sec. 14. Section 600.11, subsections 1 and 3, Code 1999,  
26 are amended to read as follows:

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

35 3. A notice of the adoption hearing shall state the time,

1 place, and purpose of the hearing and shall be served in  
2 accordance with rule of civil procedure 56.1. Proof of the  
3 giving of notice shall be filed with the juvenile court or  
4 court prior to the adoption hearing. Acceptance of service by  
5 the party being given notice shall satisfy the requirements of  
6 this subsection.

7 Sec. 15. Section 600.12, subsections 2 and 3, Code 1999,  
8 are amended to read as follows:

9 2. Only those persons notified under section 600.11 and  
10 their witnesses and legal counsel or persons requested by the  
11 juvenile court or court to be present shall be admitted to the  
12 court chambers while an adoption hearing is being conducted.  
13 The adoption petitioner and the person to be adopted shall be  
14 present at the hearing, unless the presence of either is  
15 excused by the juvenile court or court.

16 3. Any person admitted to the hearing shall be heard and  
17 allowed to present evidence upon request and according to the  
18 manner in which the juvenile court or court conducts the  
19 hearing.

20 Sec. 16. Section 600.12A, subsections 1 and 2, Code 1999,  
21 are amended to read as follows:

22 1. If the person to be adopted dies following the filing  
23 of an adoption petition pursuant to section 600.3, but prior  
24 to issuance of a final adoption decree pursuant to section  
25 600.13, the juvenile court or court may waive any  
26 investigations and reports required pursuant to section 600.8  
27 that remain uncompleted, waive the minimum residence  
28 requirements pursuant to section 600.10, proceed to the  
29 adoption hearing, and issue a final adoption decree, unless  
30 any person to whom notice is to be provided pursuant to  
31 section 600.11 objects to the adoption.

32 2. If the person to be adopted dies following termination  
33 of the parental rights of the person's biological parents but  
34 prior to the filing of an adoption petition, the person who  
35 was the guardian or custodian of the person to be adopted

1 prior to the person's death or the person who was in a parent-  
2 child relationship with the person to be adopted prior to the  
3 person's death may file an adoption petition and the juvenile  
4 court or court in the interest of justice may waive any other  
5 procedures or requirements related to the adoption, proceed to  
6 the adoption hearing, and issue a final adoption decree,  
7 unless any person to whom notice is to be provided pursuant to  
8 section 600.11 objects to the adoption.

9 Sec. 17. Section 600.13, subsections 1, 2, 3, 5, and 6,  
10 Code 1999, are amended to read as follows:

11 1. At the conclusion of the adoption hearing, the juvenile  
12 court or court shall:

13 a. Issue a final adoption decree;

14 b. Issue an interlocutory adoption decree; or,

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

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

35 3. If an interlocutory adoption decree is vacated under

1 subsection 2, it shall be void from the date of issuance and  
2 the rights, duties, and liabilities of all persons affected by  
3 it shall, unless they have become vested, be governed  
4 accordingly. Upon vacation of an interlocutory adoption  
5 decree, the juvenile court or court shall proceed under the  
6 provisions of subsection 1, paragraph "c".

7 5. An interlocutory or a final adoption decree shall be  
8 entered with the clerk of the court. Such decree shall set  
9 forth any facts of the adoption petition which have been  
10 proven to the satisfaction of the juvenile court or court and  
11 any other facts considered to be relevant by the juvenile  
12 court or court and shall grant the adoption petition. If so  
13 designated in the adoption decree, the name of the adopted  
14 person shall be changed by issuance of that decree. The clerk  
15 of the court shall, within thirty days of issuance, deliver  
16 one certified copy of any adoption decree to the petitioner,  
17 one copy of any adoption decree to the department and any  
18 agency or person making an independent placement who placed a  
19 minor person for adoption, and one certification of adoption  
20 as prescribed in section 144.19 to the state registrar of  
21 vital statistics. Upon receipt of the certification, the  
22 state registrar shall prepare a new birth certificate pursuant  
23 to section 144.23 and deliver to the parents named in the  
24 decree and any adult person adopted by the decree a copy of  
25 the new birth certificate. The parents shall pay the fee  
26 prescribed in section 144.46. If the person adopted was born  
27 outside the state, the state registrar shall forward the  
28 certification of adoption to the appropriate agency in the  
29 state or foreign nation of birth. A copy of any interlocutory  
30 adoption decree vacation shall be delivered and another birth  
31 certificate shall be prepared in the same manner as a  
32 certification of adoption is delivered and the birth  
33 certificate was originally prepared.

34 6. The clerk of the ~~district~~ court shall attach to the  
35 certified copy of the decree delivered to the department, a

1 copy of the adoption information form required to be attached  
2 to the adoption petition under section 600.6, subsection 5.

3 Sec. 18. Section 600.15, subsection 1, paragraphs a and b,  
4 Code 1999, are amended to read as follows:

5 a. A decree establishing a parent-child relationship by  
6 adoption which is issued pursuant to due process of law by a  
7 juvenile court or court of any other jurisdiction in the  
8 United States shall be recognized in this state.

9 b. A decree terminating a parent-child relationship which  
10 is issued pursuant to due process of law by a juvenile court  
11 or court of any other jurisdiction in the United States shall  
12 be recognized in this state.

13 Sec. 19. Section 600.16A, subsection 2, paragraphs b and  
14 c, Code 1999, are amended to read as follows:

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

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

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

35 c. A biological sibling of an adopted person may file or

1 may request that the department file an affidavit in the  
2 juvenile court or court in which the adopted person's adoption  
3 records have been sealed requesting that the juvenile court or  
4 court reveal or not reveal the sibling's name to the adopted  
5 person. The juvenile court or court shall consider any such  
6 affidavit in determining whether there is good cause to order  
7 opening of the records upon application for revelation by the  
8 adopted person. However, the name of the biological sibling  
9 shall not be revealed until the biological sibling has  
10 attained majority.

11 Sec. 20. Section 600.16A, subsection 3, paragraph b,  
12 unnumbered paragraph 3, Code 1999, is amended to read as  
13 follows:

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

23 Sec. 21. Section 600.16A, subsection 4, Code 1999, is  
24 amended to read as follows:

25 4. An adopted person whose adoption became final prior to  
26 July 4, 1941, and whose adoption record was not required to be  
27 sealed at the time when the adoption record was completed,  
28 shall not be required to show good cause for an order opening  
29 the adoption record under this subsection, provided that the  
30 juvenile court or court shall consider any affidavit filed  
31 under this subsection.

32 Sec. 22. Section 600.18, unnumbered paragraph 1, Code  
33 1999, is amended to read as follows:

34 Any prospective adoptive parent desiring financial  
35 assistance shall state this fact in the petition for adoption.

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

8 Sec. 23. Section 602.8102, subsections 42 and 43, Code  
9 1999, are amended to read as follows:

10 42. Serve as clerk of the juvenile court and carry out  
11 duties as provided in chapter 232 and article 7 of this  
12 chapter.

13 43. Submit to the director of the division of child and  
14 family services of the department of human services a  
15 duplicate of the findings of the ~~district~~ court related to  
16 adoptions as provided in section 235.3, subsection 7.

17 EXPLANATION

18 This bill permits the juvenile court to exercise  
19 jurisdiction over adoption proceedings and specifies that the  
20 juvenile court also exercises jurisdiction over proceedings  
21 for termination of parental rights. Currently, adoption  
22 proceedings may only be presided over by a district court  
23 judge.

24 Currently, the termination of parental rights chapter, Code  
25 chapter 600A, provides for the exercise of jurisdiction by the  
26 juvenile court in those matters. However, Code chapter 232,  
27 which establishes the parameters of juvenile court  
28 jurisdiction under Code section 602.7101, contains no  
29 reference to the exercise of jurisdiction under Code chapter  
30 600A. The bill adds a reference to Code chapter 600A and Code  
31 chapter 232 to provide for juvenile court exercise of  
32 jurisdiction in those matters.

33  
34  
35

SENATE FILE 421

AN ACT

TO EXTEND THE JURISDICTION OF THE JUVENILE COURT TO INCLUDE  
ADOPTION AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

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

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

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

Sec. 2. Section 600.1, Code 1999, is amended to read as  
follows:

600.1 CONSTRUCTION.

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

Sec. 3. Section 600.3, Code 1999, is amended to read as  
follows:

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

1. An action for the adoption of any natural person shall  
be commenced by the filing of an adoption petition, as  
prescribed in section 600.5, in the juvenile court or court of

the county in which an adult person to be adopted is domiciled  
or resides, or in the juvenile court or court of the county in  
which the guardian of a minor person to be adopted or the  
petitioner is domiciled or resides.

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

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

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

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

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

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

Sec. 4. Section 600.4, subsection 3, paragraph c, Code  
1999, is amended to read as follows:

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

Sec. 5. Section 600.5, unnumbered paragraph 1, Code 1999,  
is amended to read as follows:

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

Sec. 6. Section 600.5, subsection 7, Code 1999, is amended to read as follows:

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

Sec. 7. Section 600.7, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

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

Sec. 8. Section 600.7, subsection 2, paragraphs a and b, Code 1999, are amended to read as follows:

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

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

Sec. 9. Section 600.7, subsections 3 and 4, Code 1999, are amended to read as follows:

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

4. If any person required to consent under this section refuses to or cannot be located to give consent, the petitioner may attach to the petition a verified statement of such refusal or lack of location. The juvenile court or court shall then determine, at the adoption hearing prescribed in

section 600.12, whether, in the best interests of the person to be adopted and the petitioner, any particular consent shall be unnecessary to the granting of an adoption petition.

Sec. 10. Section 600.8, subsection 2, paragraph a, Code 1999, is amended to read as follows:

a. A preplacement investigation and report of the investigation shall be completed and the prospective adoption petitioner approved for a placement by the person making the investigation prior to any agency or independent placement of a minor person in the petitioner's home in anticipation of an ensuing adoption. A report of a preplacement investigation that has approved a prospective adoption petitioner for a placement shall not authorize placement of a minor person with that petitioner after one year from the date of the report's issuance. However, if the prospective adoption petitioner is a relative within the fourth degree of consanguinity who has assumed custody of a minor person to be adopted, a preplacement investigation of this petitioner and a report of the investigation may be completed at a time established by the juvenile court or court or may be waived as provided in subsection 12.

Sec. 11. Section 600.8, subsections 4, 7, 8, 9, and 12, Code 1999, are amended to read as follows:

4. A postplacement investigation and a background information investigation and the reports of these investigations shall be completed and the reports filed with the juvenile court or court prior to the holding of the adoption hearing prescribed in section 600.12. Upon the filing of an adoption petition pursuant to section 600.5, the juvenile court or court shall immediately appoint the department, an agency, or an investigator to conduct and complete the postplacement and background information investigations and reports. In addition to filing the background information report with the juvenile court or court prior to the holding of the adoption hearing, the department, agency, or investigator appointed to conduct the background information investigation shall complete the background

information investigation and report and furnish a copy to the adoption petitioner within thirty days after the filing of the adoption petition. Any person, ~~including a juvenile court,~~ who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully co-operate with the conducting of the background information investigation and report by disclosing any relevant background information, whether contained in sealed records or not.

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

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

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

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

Sec. 12. Section 600.9, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

An adoption petitioner of a minor person shall file with the juvenile court or court, prior to the adoption hearing, a full accounting of all disbursements of any thing of value paid or agreed to be paid by or on behalf of the petitioner in connection with the petitioned adoption. This accounting shall be made by a report prescribed by the juvenile court or court and shall be signed and verified by the petitioner. Only expenses incurred in connection with the following and any other expenses approved by the juvenile court or court are allowable:

Sec. 13. Section 600.10, Code 1999, is amended to read as follows:

600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

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

Sec. 14. Section 600.11, subsections 1 and 3, Code 1999, are amended to read as follows:

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

3. A notice of the adoption hearing shall state the time, place, and purpose of the hearing and shall be served in accordance with rule of civil procedure 56.1. Proof of the

giving of notice shall be filed with the juvenile court or court prior to the adoption hearing. Acceptance of service by the party being given notice shall satisfy the requirements of this subsection.

Sec. 15. Section 600.12, subsections 2 and 3, Code 1999, are amended to read as follows:

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

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

Sec. 16. Section 600.12A, subsections 1 and 2, Code 1999, are amended to read as follows:

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

2. If the person to be adopted dies following termination of the parental rights of the person's biological parents but prior to the filing of an adoption petition, the person who was the guardian or custodian of the person to be adopted prior to the person's death or the person who was in a parent-child relationship with the person to be adopted prior to the person's death may file an adoption petition and the juvenile court or court in the interest of justice may waive any other

procedures or requirements related to the adoption, proceed to the adoption hearing, and issue a final adoption decree, unless any person to whom notice is to be provided pursuant to section 600.11 objects to the adoption.

Sec. 17. Section 600.13, subsections 1, 2, 3, 5, and 6, Code 1999, are amended to read as follows:

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

- a. Issue a final adoption decree;
- b. Issue an interlocutory adoption decree; or,
- c. Dismiss the adoption petition if the requirements of this Act have not been met or if dismissal of the adoption petition is in the best interest of the person whose adoption has been petitioned. Upon dismissal, the juvenile court or court shall determine who is to be guardian or custodian of a minor child, including the adoption petitioner if it is in the best interest of the minor person whose adoption has been petitioned.

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

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

5. An interlocutory or a final adoption decree shall be entered with the clerk of the court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the juvenile court or court and any other facts considered to be relevant by the juvenile court or court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption decree to the department and any agency or person making an independent placement who placed a minor person for adoption, and one certification of adoption as prescribed in section 144.19 to the state registrar of vital statistics. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate. The parents shall pay the fee prescribed in section 144.46. If the person adopted was born outside the state, the state registrar shall forward the certification of adoption to the appropriate agency in the state or foreign nation of birth. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

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

Sec. 18. Section 600.15, subsection 1, paragraphs a and b, Code 1999, are amended to read as follows:

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

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

Sec. 19. Section 600.16A, subsection 2, paragraphs b and c, Code 1999, are amended to read as follows:

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

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

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

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

Sec. 20. Section 600.16A, subsection 3, paragraph b, unnumbered paragraph 3, Code 1999, is amended to read as follows:

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

Sec. 21. Section 600.16A, subsection 4, Code 1999, is amended to read as follows:

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

Sec. 22. Section 600.18, unnumbered paragraph 1, Code 1999, is amended to read as follows:

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

Sec. 23. Section 602.8102, subsections 42 and 43, Code 1999, are amended to read as follows:

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

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

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 421, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 26, 2000

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THOMAS J. VILSACK  
Governor