

HUMAN RESOURCES  
FILED MAR 6 '01

SENATE FILE 360  
BY HANSEN

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

**A BILL FOR**

1 An Act relating to standby adoptions.

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

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SF 360  
HUMAN RESOURCES

1 Section 1. Section 600.3, subsection 2, Code 2001, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. A termination of parental rights order  
4 is not required prior to the filing of an adoption petition if  
5 the adoption is a standby adoption as defined in section  
6 600.14A.

7 Sec. 2. Section 600.6, Code 2001, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 5. In the case of a standby adoption as  
10 defined in section 600.14A, a form completed by the terminally  
11 ill parent consenting to termination of parental rights and  
12 adoption of the child by a person or persons specified in the  
13 consent form, effective at a future date when the terminally  
14 ill parent of the child has died or requests that a final  
15 adoption decree be issued.

16 Sec. 3. Section 600.13, subsection 1, Code 2001, is  
17 amended by adding the following new paragraph after paragraph  
18 "b" and relettering the subsequent paragraph:

19 NEW PARAGRAPH. bb. Issue a standby adoption decree  
20 pursuant to section 600.14A.

21 Sec. 4. NEW SECTION. 600.14A STANDBY ADOPTION.

22 1. As used in this section:

23 a. "Standby adoption" means an adoption in which a  
24 terminally ill parent consents to termination of parental  
25 rights and the issuance of a final adoption decree effective  
26 upon the occurrence of a future event, which is either the  
27 death of the terminally ill parent or the request of the  
28 parent for the issuance of a final adoption decree.

29 b. "Terminally ill parent" means an individual who has a  
30 medical prognosis by a licensed physician that the individual  
31 has an incurable and irreversible condition which will lead to  
32 death.

33 2. A terminally ill parent may consent to termination of  
34 parental rights and adoption of a child under a standby  
35 adoption if the other parent of the child is not living or the

1 other parent has previously had the parent's parental rights  
2 terminated.

3 3. A person who meets the qualifications to file an  
4 adoption petition pursuant to section 600.4 may file a  
5 petition for standby adoption. A standby adoption shall  
6 comply with the requirements of sections 600.7 through 600.12.  
7 However, the court may order that the completion of placement  
8 investigations and reports be expedited based on the  
9 circumstances of a particular case. The court may waive the  
10 minimum residence period requirement pursuant to section  
11 600.10 to expedite the standby adoption if necessary.

12 4. If a consent to a standby adoption is attached to an  
13 adoption petition pursuant to section 600.6, the court  
14 determines that the requirements of this chapter relative to a  
15 standby adoption are met, and the court determines that the  
16 standby adoption is in the best interest of the child to be  
17 adopted, the court shall issue a standby adoption decree or a  
18 final adoption decree. However, the terminally ill parent's  
19 parental rights shall not be terminated and the standby  
20 adoption shall not be finalized until the death of the  
21 terminally ill parent or the request of the terminally ill  
22 parent for issuance of the final adoption decree.

23 5. A standby adoption decree shall become final upon  
24 notice of the death of the terminally ill parent or upon the  
25 terminally ill parent's request that a final adoption decree  
26 be issued. If the court determines at the time of the notice  
27 or request that the standby adoption is still in the best  
28 interest of the child, the court shall issue a final adoption  
29 decree.

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#### EXPLANATION

31 This bill provides for the issuance of a standby adoption  
32 decree. The bill specifies the procedure for filing a  
33 petition for a standby adoption and specifies the provisions  
34 applicable to a standby adoption. A standby adoption is an  
35 adoption in which a terminally ill parent consents to

1 termination of parental rights and the issuance of a final  
2 adoption decree effective upon the occurrence of a future  
3 event which is either the death of the parent or the request  
4 of the parent for the issuance of a final adoption decree.  
5 The court is to issue a final adoption decree for a standby  
6 adoption if the requirements applicable to a standby adoption  
7 are met and the standby adoption is in the best interest of  
8 the child to be adopted. The terminally ill parent's parental  
9 rights are not terminated and the standby adoption does not  
10 become final until the terminally ill parent dies or requests  
11 that the final adoption decree be issued.

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