

CHAPTER 1192**PARENTAL RIGHTS AND OBLIGATIONS***S.F. 2035*

AN ACT relating to parental rights and obligations including the discharge of an adoptive parent's obligation for support of an adopted child, and providing for the Act's applicability.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

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

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

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

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

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

675.5 DISCHARGE OF FATHER'S OBLIGATION.

The obligation of the father other than that under the laws providing for the support of poor relatives is discharged by complying with a judicial decree for support or with the terms of a judicially approved settlement. The legal adoption of a child into another family discharges the obligation for the period subsequent to the adoption, unless the adoption was fraudulently induced and the adoptive father's parental rights have been terminated and the order terminating the natural father's parental rights has been vacated in accordance with the procedures set out in section 600A.9, subsection 2A.

Sec. 5. **APPLICABILITY.** This Act is applicable to fraudulently induced adoptions under adoption decrees which were entered prior to or on or after the effective date of this Act.

Approved May 4, 1992