

**CHAPTER 1196****RECORDS RELATING TO ADOPTION AND TERMINATION OF PARENTAL RIGHTS***H.F. 242*

**AN ACT** relating to adoption and permanent termination of parental rights records, and providing penalties.

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

Section 1. Section 237.21, subsection 3, Code 1991, is amended to read as follows:

3. Members of the state board and local boards and the employees of the department and the department of inspections and appeals are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and 600.16, and 600.16A. Members of the state and local boards and employees of the department and the department of inspections and appeals who disclose information or records of the board or department, other than as provided in subsection 2, are guilty of a simple misdemeanor.

Sec. 2. Section 238.24, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Nothing herein shall prohibit the administrator from disclosing such facts to such proper persons as may be in the interest of a child cared for by such agency or in the interest of the child's parents or foster parents and not inimical to the child, or as may be necessary to protect the interests of the child's prospective foster parents. However, disclosure of termination and adoption records shall be governed by the provisions of ~~section~~ sections 600.16 and 600.16A.

Sec. 3. Section 600.16, Code Supplement 1991, is amended by striking the section and inserting in lieu thereof the following:

**600.16 ADOPTION RECORD.**

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

- a. The adopting parents.
- b. The adopted person, provided that person is an adult at the time the request for information is made. For the purposes of this paragraph "adult" means a person twenty-one years of age or older or a person who attains majority by marriage.
- c. Any person approved by the department if the person uses this information solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.
- d. A descendant of an adopted person.

2. Information regarding an adopted person's existing medical and developmental history and family medical history, which meets the definition of background information in section 600.8, subsection 1, paragraph "c", but which was compiled prior to July 1, 1976, shall be made available as provided in subsection 1. However, the identity of the adopted person's natural parents shall not be disclosed.

3. Any person other than the adopting parents or the adopted person, who discloses information in violation of this section is guilty of a simple misdemeanor.

**Sec. 4. NEW SECTION. 600.16A TERMINATION AND ADOPTION RECORDS CLOSED — EXCEPTIONS.**

1. The permanent termination of parental rights record of the juvenile court under chapter 600A and the permanent adoption record of the juvenile court or court shall be sealed by the clerk of the juvenile court or the clerk of court, as appropriate, when they are complete and after the time for appeal has expired.

2. All papers and records pertaining to a termination of parental rights under chapter 600A and to an adoption shall not be open to inspection and the identity of the natural parents of an adopted person shall not be revealed except under any of the following circumstances:

a. An agency involved in placement shall contact the adopting parents or the adult adopted child regarding eligibility of the adopted child for benefits based on entitlement of benefits or inheritance from the terminated natural parents.

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

(1) A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's identity. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. To facilitate the natural parents in filing an affidavit, the department shall, upon request of a natural parent, file an affidavit in the court in which the adoption records have been sealed.

(2) If the adopted person who applies for revelation of the natural parents' identity has a sibling who is a minor and who has been adopted by the same parents, the 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 natural sibling of an adopted person may file or may request that the department file an affidavit in the court in which the adopted person's adoption records have been sealed requesting that the court reveal or not reveal the sibling's name to the adopted person. The 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 natural sibling shall not be revealed until the natural sibling has attained majority.

d. The juvenile court or court may, upon competent medical evidence, open termination or adoption records if opening is shown to be necessary to save the life of or prevent irreparable physical or mental harm to an adopted person or the person's offspring. The juvenile court or court shall make every reasonable effort to prevent the identity of the natural parents from becoming revealed under this paragraph to the adopted person. The juvenile court or court may, however, permit revelation of the identity of the natural parents to medical personnel attending the adopted person or the person's offspring. These medical personnel shall make every reasonable effort to prevent the identity of the natural parents from becoming revealed to the adopted person.

3. In addition to other procedures by which adoption records may be opened under this section, if both of the following conditions are met, the department, the clerk of court, or the agency which made the placement shall open the adoption record for inspection and shall reveal the identity of the natural parents to the adult adopted child or the identity of the adult adopted child to the natural parents:

a. A natural parent has placed in the adoption record written consent to revelation of the natural parent's identity to the adopted child at an age specified by the natural parent, upon request of the adopted child.

b. An adult adopted child has placed in the adoption record written consent to revelation of the identity of the adult adopted child to a natural parent.

A person who has placed in the adoption record written consent pursuant to paragraph "a" or "b" of this subsection may withdraw the consent at any time by placing a written withdrawal of consent statement in the adoption record.

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 natural parent to open the adoption records and to reveal the identities of the parties pending determination by the court that there is good cause to open the records pursuant to subsection 2.

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 court shall consider any affidavit filed under this subsection.

5. Any person, other than the adopting parents or the adopted person, who discloses information in violation of this section, is guilty of a simple misdemeanor.

Sec. 5. NEW SECTION. 600.16B FEES.

The supreme court shall prescribe and the department of human services shall adopt rules, to defray the actual cost of the provision of information or the opening of records pursuant to section 600.16 or 600.16A.

Approved May 4, 1992

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## CHAPTER 1197

### CITY FIRE AND POLICE RETIREMENT SYSTEMS

*H.F. 2061*

**AN ACT** relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, providing for the use of excess funds of terminated city systems, providing for certain benefits for employees of the statewide system, and providing effective and retroactive applicability dates.

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

Section 1. Section 411.38, subsection 2, Code 1991, is amended to read as follows:

2. Transfer from each terminated city fire or police retirement system to the statewide system amounts sufficient to cover the accrued liabilities of that terminated system as determined by the actuary of the statewide system. If the actuary of the statewide system determines that the assets transferred by a terminated system are insufficient to fully fund the accrued liabilities of the terminated system as determined by the actuary as of January 1, 1992, the participating city may enter into an agreement with the statewide system to make additional annual contributions sufficient to amortize the unfunded accrued liability of the terminated system. The terms of an amortization agreement shall be based upon the recommendation of the actuary of the statewide system, and the agreement shall do each of the following:

a. Allow the city to make additional annual contributions over a period not to exceed thirty years from January 1, 1992.

b. Provide that the city shall pay a rate of return on the amortized amount that is at least equal to the estimated rate of return on the investments of the statewide system for the years covered by the amortization agreement.

c. Contain other terms and conditions as are approved by the board of trustees for the statewide system.

In the alternative, a city may treat the city's accrued unfunded liability for the terminated system as legal indebtedness to the statewide system for the purposes of section 384.24, subsection 3, paragraph "f".

Sec. 2. Section 411.38, unnumbered paragraph 2, Code 1991, is amended to read as follows:

It is the intent of the general assembly that a terminated city fire or police retirement system shall not subsidize any portion of any other system's unfunded liabilities in connection with the transition to the statewide system. The actuary of the statewide system shall determine if the assets of a terminated city fire or police retirement system would exceed the amount sufficient to cover the accrued liabilities of that terminated system as of January 1, 1992, using the alternative assumptions and the proposed assumptions.