

CHAPTER 1174**ADOPTION***H.F. 2050*

AN ACT relating to adoption, including selection criteria preferences in the placement of children for adoption by or through the department of human services, requirements relating to the adoption of the child of a minor parent, and providing a repeal.

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

Section 1. Section 135L.2, subsection 3, as enacted by 1996 Iowa Acts, Senate File 13,* section 2, is amended to read as follows:

3. During the initial appointment between a licensed physician and a pregnant minor, a licensed physician, who is providing medical services to a pregnant minor, shall offer the viewing of the video and the written decision-making materials to the pregnant minor, and shall obtain the signed and dated certification form from the pregnant minor. If the pregnant minor has previously been offered the viewing of the video and the written decision-making materials by another source, the licensed physician shall obtain the completed certification form from the other source to verify that the pregnant minor has been offered the viewing of the video and the written decision-making materials. A licensed physician shall not perform an abortion on a pregnant minor prior to obtaining the completed certification form from a pregnant minor. ~~If the pregnant minor decides to terminate parental rights following the child's birth, a copy of the completed certification form shall be attached to the petition for termination of parental rights.~~

Sec. 2. Section 135L.4, subsection 3, paragraph d, as enacted by 1996 Iowa Acts, Senate File 13,* section 4, is amended to read as follows:

d. Notwithstanding any law or rule to the contrary, the court proceedings under this section ~~and section 135L.3~~ shall be given precedence over other pending matters to ensure that the court reaches a decision expeditiously.

Sec. 3. Section 135L.6, unnumbered paragraph 1, as enacted by 1996 Iowa Acts, Senate File 13,* section 6, is amended to read as follows:

If a pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion on the pregnant minor, and which results in the inapplicability of section 135L.2 with regard to the required offering of the viewing of the video, ~~of section 135L.3 with regard to notification of a parent prior to the termination of parental rights of a pregnant minor for the purposes of placing the child for adoption,~~ or of section 135L.4 with regard to notification of a parent prior to the performance of an abortion on a pregnant minor, the attending physician shall do the following:

Sec. 4. Section 135L.6, subsection 2, paragraph e, as enacted by 1996 Iowa Acts, Senate File 13,* section 6, is amended to read as follows:

e. The pregnant minor elects not to allow notification of the pregnant minor's parent and a court authorizes waiver of the notification requirement following completion of the proceedings prescribed under section ~~135L.3~~ or 135L.4.

Sec. 5. Section 135L.7, subsections 1 and 2, as enacted by 1996 Iowa Acts, Senate File 13,* section 7, are amended to read as follows:

1. Knowingly tenders a false original or copy of the signed and dated certification form described in section 135L.2, to be retained by the licensed physician, or to be sent to the pregnant minor's attending physician, ~~or to be attached to the termination of parental rights petition pursuant to section 135L.3.~~

2. Knowingly tenders a false original or copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor under this chapter, a false

*Chapter 1011 herein

original or copy of the written certification to be provided to a parent of a pregnant minor pursuant to section 135L.6, or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor ~~or relative to the termination of parental rights of a pregnant minor.~~

Sec. 6. Section 232.5, as enacted by 1996 Iowa Acts, Senate File 13,* section 10, is amended to read as follows:

~~232.5 ADOPTION OF CHILD BORN TO A MINOR OR ABORTION PERFORMED ON A MINOR - WAIVER OF NOTIFICATION PROCEEDINGS.~~

The court shall have exclusive jurisdiction over the proceedings for the granting of an order for waiver of the notification requirements relating to ~~the adoption of a child born to a minor or to the performance of an abortion on a minor pursuant to sections 135L.3 and section 135L.4.~~

Sec. 7. NEW SECTION. 600.7A ADOPTION SERVICES PROVIDED BY OR THROUGH DEPARTMENT OF HUMAN SERVICES - SELECTION OF ADOPTIVE PARENT CRITERIA.

The department of human services shall adopt rules which provide that if adoption services are provided by or through the department, notwithstanding any other selection of adoptive parent criteria, the overriding criterion shall be a preference for placing a child in a stable home environment as expeditiously as possible.

Sec. 8. Section 600A.6, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If a petition for the termination of parental rights of a pregnant minor or a minor who has given birth is filed, notice of the termination hearing shall also be served upon a custodial parent or a legal guardian or custodian of the pregnant minor or minor who has given birth in accordance with the service of notice provisions of this section. A custodial parent or a legal guardian or custodian of the pregnant minor or minor who has given birth is not a necessary party under this section and the notice provided under this subsection is for informational purposes only and shall not be construed to confer any substantive rights on the custodial parent or legal guardian or custodian of the pregnant minor or minor who has given birth in addition to those rights existing under current law.

Notice under this subsection shall be waived by the court if the court determines that the pregnant minor or minor who has given birth is capable of providing consent to the termination of parental rights of the minor child, that notification is not in the best interest of the pregnant minor or minor who has given birth or of the minor child, or that other good cause exists for the waiver. Failure to provide notice to a custodial parent or a legal guardian or custodian of the pregnant minor or minor who has given birth does not constitute good cause for revocation of a release of custody and is not grounds for denial, modification, vacation, or appeal of a termination of parental rights order or of an interlocutory or final adoption decree.

Sec. 9. 1996 Iowa Acts, Senate File 13,* sections 3, 11, 12, and 13, are repealed.

Approved April 29, 1996