

members, at least two of which are licensed in the profession.

Sec. 24. CONTINGENT EFFECTIVE DATE. Section 6 of this Act relating to the renovation, remodeling, and repainting lead hazard notification process takes effect only upon receipt by the Iowa department of public health of authorization from the United States environmental protection agency for state implementation of the lead inspection and abatement certification program.

Sec. 25. Section 135.15, Code 1997, is repealed.

Approved May 19, 1997

CHAPTER 160

TEMPORARY ORDERS FOR SUPPORT, CUSTODY, OR VISITATION

H.F. 371

AN ACT relating to the issuing of temporary orders for support, custody, or visitation of a child born outside of marriage.

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

Section 1. **NEW SECTION.** 600B.40A TEMPORARY ORDERS — SUPPORT, CUSTODY, OR VISITATION OF A CHILD.

Upon petition of either parent in a proceeding involving support, custody, or visitation of a child for whom paternity has been established and whose mother and father have not been and are not married to each other at the time of filing of the petition, the court may issue a temporary order for support, custody, or visitation of the child. The temporary orders shall be made in accordance with the provisions relating to issuance of and changes in temporary orders for support, custody, or visitation of a child by the court in a dissolution of marriage proceeding pursuant to chapter 598.

Approved May 19, 1997

CHAPTER 161

TERMINATION OF PARENTAL RIGHTS — GROUNDS — PUTATIVE FATHER

H.F. 453

AN ACT relating to the grounds for termination of parental rights of a putative father.

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

Section 1. Section 600A.2, subsection 18, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

18. "To abandon a minor child" means that a parent, putative father, custodian, or guardian rejects the duties imposed by the parent-child relationship, guardianship, or custodianship, which may be evinced by the person, while being able to do so, making no provision or

making only a marginal effort to provide for the support of the child or to communicate with the child.

Sec. 2. Section 600A.8, Code 1997, is amended by adding the following new subsection: **NEW SUBSECTION.** 3A. If the termination of parental rights relates to a putative father and the putative father has abandoned the child. For the purposes of this subsection, a putative father is deemed to have abandoned a child as follows:

a. (1) If the child is less than six months of age when the termination hearing is held, a putative father is deemed to have abandoned the child unless the putative father does all of the following:

(a) Demonstrates a willingness to assume custody of the child rather than merely objecting to the termination of parental rights.

(b) Takes prompt action to establish a parental relationship with the child.

(c) Demonstrates, through actions, a commitment to the child.

(2) In determining whether the requirements of this paragraph are met, the court may consider all of the following:

(a) The fitness and ability of the putative father in personally assuming custody of the child, including a personal and financial commitment which is timely demonstrated.

(b) Whether efforts made by the putative father in personally assuming custody of the child are substantial enough to evince a settled purpose to personally assume all parental duties.

(c) Whether the putative father publicly acknowledged paternity or held himself out to be the father of the child during the six continuing months immediately prior to the termination proceeding.

(d) Whether the putative father paid a fair and reasonable sum, in accordance with the putative father's means, for medical, hospital, and nursing expenses incurred in connection with the mother's pregnancy or with the birth of the child, or whether the putative father demonstrated emotional support as evidenced by the putative father's conduct toward the mother.

(e) Any measures taken by the putative father to establish legal responsibility for the child.

(f) Any other factors evincing a commitment to the child.

b. If the child is six months of age or older when the termination hearing is held, a putative father is deemed to have abandoned the child unless the putative father maintains substantial and continuous or repeated contact with the child as demonstrated by contribution toward support of the child of a reasonable amount, according to the putative father's means, and as demonstrated by any of the following:

(1) Visiting the child at least monthly when physically and financially able to do so and when not prevented from doing so by the person having lawful custody of the child.

(2) Regular communication with the child or with the person having the care or custody of the child, when physically and financially unable to visit the child or when prevented from visiting the child by the person having lawful custody of the child.

(3) Openly living with the child for a period of six months within the one-year period immediately preceding the termination of parental rights hearing and during that period openly holding himself out to be the father of the child.

c. The subjective intent of the putative father, whether expressed or otherwise, unsupported by evidence of acts specified in paragraph "a" or "b" manifesting such intent, does not preclude a determination that the putative father has abandoned the child. In making a determination, the court shall not require a showing of diligent efforts by any person to encourage the putative father to perform the acts specified in paragraph "a" or "b". In making a determination, the court may consider the conduct of the putative father toward the child's mother during the pregnancy. Demonstration of a commitment to the child is not met by the putative father marrying the mother of the child after adoption of the child.