

233.2 Newborn infant custody release procedures.

1. a. A parent of a newborn infant may voluntarily release custody of the newborn infant as follows:

(1) By relinquishing physical custody of the newborn infant, without expressing an intent to again assume physical custody, at an institutional health facility or a fire station, to an adoption service provider, or by authorizing another person to relinquish physical custody on the parent's behalf. If physical custody of the newborn infant is not relinquished directly to an individual on duty at an institutional health facility or a fire station, or to an adoption service provider, the parent may take other actions to be reasonably sure that the individual on duty or the adoption service provider is aware that the newborn infant has been left at the institutional health facility, the fire station, or the location of the adoption service provider. The actions may include but are not limited to making telephone contact with the institutional health facility, the fire station, or the adoption service provider, or a 911 service.

(2) By relinquishing physical custody of the newborn infant to medical staff at a hospital or other facility following delivery of the newborn infant in the hospital or other facility when the parent notifies the medical staff that the parent is voluntarily relinquishing physical custody of the newborn infant without expressing an intent to again assume physical custody.

(3) By relinquishing physical custody of the newborn infant at a hospital, a fire station, or an emergency medical care provider location, through a newborn safety device, without expressing an intent to again assume physical custody.

b. In lieu of the procedure described in paragraph "a", a parent of a newborn infant may make telephone contact with a 911 service and relinquish physical custody of the newborn infant, without expressing an intent to again assume physical custody, to a first responder who responds to the 911 telephone call.

c. For the purposes of [this chapter](#) and for any judicial proceedings associated with the newborn infant, a rebuttable presumption arises that the person who relinquishes physical custody in accordance with [this section](#) is the newborn infant's parent or has relinquished physical custody with the parent's authorization.

2. a. Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, the individual on duty or the medical staff at the institutional health facility, the emergency medical care provider location, or the fire station at which physical custody of the newborn infant was relinquished, the adoption service provider to whom physical custody of the newborn infant was relinquished, or the first responder to whom physical custody of the newborn infant was relinquished, pursuant to [subsection 1](#) shall take physical custody of the newborn infant. The individual on duty or the medical staff, the adoption service provider, or the first responder who takes physical custody of the newborn infant may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant's parent or parents. However, the parent or other person is not required to provide the names or medical history information to comply with [this section](#). The individual on duty or the medical staff, the adoption service provider, or the first responder who takes physical custody of the newborn infant may perform reasonable acts necessary to protect the physical health or safety of the newborn infant. The individual on duty or the medical staff, the adoption service provider, and the first responder to whom physical custody of the newborn infant was relinquished, and the institutional health facility, the emergency medical care provider location, and the fire station at which physical custody of the newborn infant was relinquished are immune from criminal or civil liability for any acts or omissions made in good faith to comply with [this section](#).

b. If the physical custody of a newborn infant is relinquished at an emergency medical care provider location or a fire station, to an adoption service provider, or to a first responder, the individual on duty at the emergency medical care provider location or the fire station, the adoption service provider, or the first responder who responded to the 911 telephone call shall transport the newborn infant to the nearest institutional health facility. The individual on duty at the emergency medical care provider location or the fire station, the adoption service

provider, or the first responder who took physical custody of the newborn infant shall provide any parental identification or medical history information to the institutional health facility.

c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department.

d. If the name of the parent is unknown to the institutional health facility, the individual on duty at the institutional health facility or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to [section 144.14](#). If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to [section 144.13](#). The department shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with [section 144.43](#).

3. a. As soon as possible after the individual on duty or the medical staff, the adoption service provider, or the first responder assumes physical custody of a newborn infant released under [subsection 1](#), and, if applicable, the individual on duty at the emergency medical care provider location or the fire station, the adoption service provider, or the first responder transports the newborn infant to the nearest institutional health facility under [subsection 2](#), paragraph "b", the individual on duty or the medical staff shall notify either the department or an adoption service provider and the first responder shall notify the department. The department or the adoption service provider shall take the actions necessary to assume the care, control, and custody of the newborn infant as follows:

(1) If physical custody of the newborn infant was not initially relinquished to an adoption service provider, the department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of [section 232.78](#), [subsection 9](#), the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. After the department takes custody of the newborn infant, notwithstanding any provision to the contrary relating to priority placement of the child under [section 232.78](#), the department shall, if feasible, place the newborn infant in a prospective adoptive home. The department shall maintain a list of prospective adoptive homes that have completed placement investigations and have been preapproved by the department or a certified adoption investigator.

(2) If physical custody of the newborn infant was initially relinquished to an adoption service provider, the adoption service provider shall immediately notify the juvenile court and the county attorney of the adoption service provider's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of [section 232.78](#), [subsection 9](#), the adoption service provider to take custody of the newborn infant. Upon receiving the order, the adoption service provider shall take custody of the newborn infant.

b. Within twenty-four hours of the department or the adoption service provider taking custody of the newborn infant, the department or the adoption service provider shall notify the juvenile court and the county attorney in writing of the department's or adoption service provider's action and the circumstances surrounding the action.

c. Within twenty-four hours of the adoption service provider taking custody of the newborn infant, the adoption service provider shall notify the department in writing that the adoption service provider has taken custody of the newborn infant and will comply with the requirements of [chapter 233](#).

4. a. Upon being notified in writing by the department or the adoption service provider under [subsection 3](#), the county attorney shall file a petition alleging the newborn infant to be a child in need of assistance in accordance with [section 232.87](#) and a petition for termination of parental rights with respect to the newborn infant in accordance with [section 232.111](#), [subsection 2](#), paragraph "a". A hearing on a child in need of assistance petition filed pursuant

to [this subsection](#) shall be held at the earliest practicable time. A hearing on a termination of parental rights petition filed pursuant to [this subsection](#) shall be held no later than thirty days after the day the physical custody of the newborn child was relinquished in accordance with [subsection 1](#) unless the juvenile court continues the hearing beyond the thirty days for good cause shown.

b. Notice of a petition filed pursuant to [this subsection](#) by either the department or the adoption service provider shall be provided to any known parent and others in accordance with the provisions of [chapter 232](#) and shall be served upon any putative father registered with the state registrar of vital statistics pursuant to [section 144.12A](#). In addition, prior to holding a termination of parental rights hearing with respect to the newborn infant, notice by publication shall be provided as described in [section 600A.6, subsection 5](#).

5. Reasonable efforts, as defined in [section 232.102](#), that are made in regard to the newborn infant shall be limited to the efforts made in a timely manner to finalize a permanency plan for the newborn infant.

6. The individual on duty or the medical staff at an institutional health facility, emergency medical care provider location, or fire station, the adoption service provider, or the first responder who assumes physical custody of a newborn infant upon the release of the newborn infant under [subsection 1](#) shall be provided notice of any hearing held concerning the newborn infant at the same time notice is provided to other parties to the hearing and the individual on duty or the medical staff, the adoption service provider, or the first responder may provide testimony at the hearing.

[2001 Acts, ch 67, §2, 13; 2005 Acts, ch 89, §34; 2018 Acts, ch 1050, §3; 2019 Acts, ch 59, §71; 2023 Acts, ch 19, §654, 655; 2023 Acts, ch 112, §70](#)

Referred to in [§232.78, 232.95, 232.102, 232.104, 233.1A, 233.3, 233.4, 233.6, 726.3, 726.6](#)

See Code editor's note at the beginning of this Code volume

Section amended