

600A.9 Termination findings and order — vacation of order.

1. Subsequent to the hearing on termination of parental rights under [this chapter](#), the juvenile court shall make a finding of facts and shall do one of the following:

a. Order the petition dismissed.

b. Order the petition granted. The juvenile court shall appoint a guardian and a custodian or a guardian only. An order issued under this paragraph shall include the finding of facts. Such finding shall specify the factual basis for terminating the parent-child relationship and shall specify the ground or grounds upon which the termination is ordered.

2. a. If an order is issued under [subsection 1](#), paragraph “b”, the juvenile court shall retain jurisdiction to change a guardian or custodian and to allow a terminated parent or any putative biological parent to request vacation or appeal of the termination order which request must be made within thirty days of issuance of the granting of the order. The period for request by a terminated parent or by a putative biological parent for vacation or appeal shall not be waived or extended and a vacation or appeal shall not be granted after the expiration of this period. The juvenile court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish a period of thirty days, which shall not be waived or extended, in which a terminated or putative biological parent may request a vacation or appeal of a termination order.

b. If an order is issued under [subsection 1](#), paragraph “b”, to terminate the parental rights of a biological parent who indicated in the parent’s petition for termination of parental rights the grounds for termination specified in [section 600A.8, subsection 1](#), but an order to terminate the parental rights of any other putative biological parent is not issued by the court pursuant to [subsection 1](#), paragraph “b”, nor has the other putative biological parent consented to the adoption in lieu of termination of the parent’s parental rights, thereby prohibiting the filing of an adoption petition pursuant to [section 600.3, subsection 2](#), the court shall allow the parent for whom the court issued an order terminating parental rights to request a vacation of the order within thirty days of issuance of the granting of the order. The period for request by a terminated parent for vacation shall not be waived or extended and a vacation shall not be granted after the expiration of this period. The juvenile court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish a period of thirty days, which shall not be waived or extended, in which a terminated parent may request a vacation of a termination order under this paragraph “b”.

3. 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.

4. A copy of any order made under [this section](#) shall be sent by the clerk of the juvenile court to:

a. The department.

b. The petitioner.

c. The parents whose rights have been terminated if they request such copies.

d. Any guardian, custodian, or guardian ad litem of the child.

e. The state registrar for the purposes of [section 144.13A, subsection 2](#).

[S13, §254-a21; C24, 27, 31, 35, 39, §3638; C46, 50, 54, 58, 62, §232.22; C66, 71, 73, 75, §232.47 – 232.50; C77, 79, 81, §600A.9]

[92 Acts, ch 1192, §3, 5; 94 Acts, ch 1174, §20, 22; 2004 Acts, ch 1156, §2; 2022 Acts, ch 1032, §100; 2023 Acts, ch 135, §1](#)

Referred to in [§232.119, 600.16A, 600A.4, 600A.6B, 600A.8, 600B.5](#)

Subsection 2 amended