

232.117 Termination — findings — disposition.

1. After the hearing is concluded the court shall make and file written findings.
2. If the court concludes that facts sufficient to terminate parental rights have not been established by clear and convincing evidence, the court shall dismiss the petition.
3. If the court concludes that facts sufficient to sustain the petition have been established by clear and convincing evidence, the court may order parental rights terminated. If the court terminates the parental rights of a child's parent, the court shall transfer the guardianship and custody of the child to a parent of the child whose parental rights have not been terminated. If the court finds guardianship and custody with the child's parents is not in the child's best interests, guardianship and custody shall be transferred for placement of the child in any of the following categories in the following order of priority:
 - a. The department if the department had custody of the child at the time of the filing of the petition for termination of parental rights, or if custody with the department is necessary to facilitate the permanency or adoption goal, unless the department waives its priority.
 - b. An adult relative of the child, including but not limited to adult siblings or parents of siblings.
 - c. A fictive kin.
 - d. A child-placing agency or other suitable private agency, facility, or institution which is licensed or otherwise authorized by law to receive and to provide care for the child.
4. If the court orders a termination of parental rights and siblings are not placed together but have an existing relationship, the court shall order ongoing contact between the siblings in accordance with [section 232.108](#) if the court finds that either visitation or ongoing interaction is in the best interests of each sibling. [This subsection](#) shall not be construed to require visitation between a child and a parent whose parental rights have been terminated as to that child, even if a sibling remains with the parent.
5. If after a hearing the court does not order the termination of parental rights but finds that there is clear and convincing evidence that the child is a child in need of assistance, pursuant to [section 232.96A](#), due to the acts or omissions of one or both of the child's parents the court may adjudicate the child to be a child in need of assistance and may enter an order in accordance with the provisions of [section 232.100](#), [232.101](#), [232.102](#), or [232.104](#).
6. If the court orders the termination of parental rights and transfers guardianship and custody under [subsection 3](#), the guardian shall submit a case permanency plan to the court and shall make every effort to establish a stable placement for the child by adoption or other permanent placement. Within forty-five days of receipt of the termination order, and every forty-five days thereafter until the court determines such reports are no longer necessary, the guardian shall report to the court regarding efforts made to place the child for adoption or providing the rationale as to why adoption would not be in the child's best interest.
7. The guardian of each child whose guardianship and custody has been transferred under [subsection 3](#) and who has not been placed for adoption shall file a written report with the court every six months concerning the child's placement. The court shall hold a hearing to review the placement at intervals not to exceed six months after the date of the termination of parental rights or the last placement review hearing.
8. The guardian of each child whose guardianship and custody has been transferred under [subsection 3](#) and who has been placed for adoption and whose adoption has not been finalized shall file a written report with the court every six months concerning the child's placement. The court shall hold a hearing to review the placement at intervals not to exceed twelve months after the date of the adoptive placement or the last placement review hearing.
9. Hearings held under [this subchapter](#) are open to the public unless the court, on the motion of any of the parties or upon the court's own motion, excludes the public. The court shall exclude the public from a hearing if the court determines that the possibility of damage or harm to the child outweighs the public's interest in having a public hearing. Upon closing the hearing, the court may admit persons who have a direct interest in the case or in the work of the court.
10. If a termination of parental rights order is issued on the grounds that the child is a newborn infant whose parent has voluntarily released custody of the child under [section](#)

232.116, subsection 1, paragraph “c”, the court shall retain jurisdiction to change a guardian or custodian and to allow a parent whose rights have been terminated to request vacation or appeal of the termination order which request must be made within thirty days of issuance of the granting of the termination order. The period for request for vacation or appeal by a parent whose rights have been terminated shall not be waived or extended and a vacation or appeal shall not be granted for a request made after the expiration of this period. The 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 the period of thirty days, which shall not be waived or extended, in which a parent whose parental rights have been terminated may request a vacation or appeal of such a termination order.

[C79, §232.115; C81, §232.117]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §21; 87 Acts, ch 159, §5, 7; 89 Acts, ch 229, §13; 89 Acts, ch 230, §19; 92 Acts, ch 1229, §6; 94 Acts, ch 1046, §3; 98 Acts, ch 1190, §24, 25; 2001 Acts, ch 67, §10, 13; 2004 Acts, ch 1116, §11; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §60, 61, 81

Referred to in §232.116, 232.118, 232.119, 232.133, 237.20