

House Amendment 4195

Amendment Text

PAG LIN

1 1 Amend the House amendment, [S-3055](#), to Senate File
1 2 13, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, by striking lines 11 and 12, and
1 5 inserting the following: "which a delay will create a
1 6 serious health risk or impairment of a major bodily
1 7 function."
1 8 #2. Page 1, line 16, by inserting after the word
1 9 "minor" the following: ", a grandparent of a pregnant
1 10 minor, or an adult aunt or uncle of the pregnant
1 11 minor".
1 12 #3. Page 1, line 29, by inserting after the word
1 13 "process" the following: "or other contractual
1 14 agreement".
1 15 #4. Page 3, line 19, by inserting after the word
1 16 "minor." the following: "If the pregnant minor
1 17 decides to terminate parental rights following the
1 18 child's birth, a copy of the completed certification
1 19 form shall be attached to the petition for termination
1 20 of parental rights."
1 21 #5. Page 3, line 41, by striking the figure "17."
1 22 and inserting the following: "17 and inserting the
1 23 following:
1 24 "Sec. ____ . NEW SECTION. 135L.3 NOTIFICATION OF
1 25 PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE
1 26 CHILD.
1 27 Following compliance with the provisions of section
1 28 135L.2, a pregnant minor who chooses to place the
1 29 pregnant minor's child for adoption is subject to the
1 30 following conditions:
1 31 1. Notification of a parent of the pregnant minor
1 32 of the pregnant minor's decision to place the child
1 33 for adoption. Notification shall be made at least
1 34 twenty-four hours prior to the conducting of the
1 35 hearing on termination of parental rights and shall be
1 36 made in person or by mailing the notification by
1 37 restricted certified mail to the parent of the
1 38 pregnant minor at the usual place of abode of the
1 39 parent. For the purpose of delivery by restricted
1 40 certified mail, the time of delivery is deemed to
1 41 occur at twelve o'clock noon on the next day on which
1 42 regular mail delivery takes place, subsequent to the
1 43 mailing.
1 44 2. If the pregnant minor objects to the
1 45 notification of a parent, the pregnant minor may
1 46 petition the court to authorize waiver of the
1 47 notification requirement in accordance with the
1 48 following procedures:
1 49 a. The court shall ensure that the pregnant minor
1 50 is provided with assistance in preparing and filing
2 1 the petition for waiver of notification and shall
2 2 ensure that the pregnant minor's identity remains
2 3 confidential.
2 4 b. The pregnant minor may participate in the court
2 5 proceedings on the pregnant minor's own behalf. The
2 6 court may appoint a guardian ad litem for the pregnant
2 7 minor who may be the responsible adult and the court

2 8 shall appoint a guardian ad litem for the pregnant
2 9 minor if the pregnant minor is not accompanied by an
2 10 adult and if the pregnant minor has not viewed the
2 11 video as provided pursuant to section 135L.2. The
2 12 court shall advise the pregnant minor of the pregnant
2 13 minor's right to court-appointed legal counsel and
2 14 shall, upon the pregnant minor's request, provide the
2 15 pregnant minor with court-appointed legal counsel, at
2 16 no cost to the pregnant minor.

2 17 c. The court proceedings shall be conducted in a
2 18 manner which protects the confidentiality of the
2 19 pregnant minor and all court documents pertaining to
2 20 the proceedings shall remain confidential. Only the
2 21 pregnant minor, the pregnant minor's guardian ad
2 22 litem, the pregnant minor's legal counsel, and persons
2 23 whose presence is specifically requested by the
2 24 pregnant minor or by the pregnant minor's guardian ad
2 25 litem, or by the pregnant minor's legal counsel may
2 26 attend the hearing on the petition.

2 27 d. Notwithstanding any law or rule to the
2 28 contrary, the court proceedings under this section and
2 29 section 135L.4 shall be given precedence over other
2 30 pending matters to ensure that the court reaches a
2 31 decision expeditiously.

2 32 e. Upon petition and following an appropriate
2 33 hearing, the court shall waive the notification
2 34 requirements if the court determines either of the
2 35 following:

2 36 (1) That the pregnant minor is mature and capable
2 37 of providing informed consent to the termination of
2 38 parental rights for the purposes of adoption of the
2 39 pregnant minor's child.

2 40 (2) That the minor is not mature, or does not
2 41 claim to be mature, but that notification is not in
2 42 the best interest of the pregnant minor.

2 43 f. The court shall issue specific factual findings
2 44 and legal conclusions, in writing, to support the
2 45 decision.

2 46 g. Upon conclusion of the hearing, the court shall
2 47 immediately issue a written order which shall be
2 48 provided immediately to the pregnant minor, the
2 49 pregnant minor's guardian ad litem, the pregnant
2 50 minor's legal counsel, or any other person designated
3 1 by the pregnant minor to receive the order.

3 2 h. An expedited, confidential appeal shall be
3 3 available to a pregnant minor for whom the court
3 4 denies a petition for waiver of notification. An
3 5 order granting the pregnant minor's application for
3 6 waiver of notification is not subject to appeal.
3 7 Access to the appellate courts for the purpose of an
3 8 appeal under this section shall be provided to a
3 9 pregnant minor twenty-four hours a day, seven days a
3 10 week.

3 11 i. A pregnant minor who chooses to utilize the
3 12 waiver of notification procedures under this section
3 13 shall not be required to pay a fee at any level of the
3 14 proceedings. Fees charged and court costs taxed in
3 15 connection with a proceeding under this section are
3 16 waived.

3 17 j. Venue for proceedings under this section is in
3 18 any court in the state.

3 19 k. The supreme court shall prescribe rules to
3 20 ensure that the proceedings under this section are
3 21 performed in an expeditious and confidential manner.

3 22 l. The requirements of this section regarding
3 23 notification of a parent of a pregnant minor who
3 24 chooses to place the pregnant minor's child for

3 25 adoption do not apply if any of the following applies:

3 26 (1) A parent of the pregnant minor authorizes the
3 27 pregnant minor's decision, in writing, and a copy of
3 28 the written authorization is attached to the
3 29 termination of parental rights petition.

3 30 (2) The pregnant minor's attending physician
3 31 certifies in writing that a medical emergency exists
3 32 which necessitates the immediate performance of an
3 33 abortion in accordance with section 135L.6.

3 34 (3) The pregnant minor declares that the pregnant
3 35 minor is a victim of child abuse pursuant to section
3 36 232.68, the person responsible for the care of the
3 37 child is a parent of the child, and either the abuse
3 38 has been reported pursuant to the procedures
3 39 prescribed in chapter 232, division III, part 2, or a
3 40 parent of the child is named in a report of founded
3 41 child abuse. The department of human services shall
3 42 maintain confidentiality under chapter 232 regarding
3 43 the pregnant minor's pregnancy.

3 44 (4) The pregnant minor declares that the pregnant
3 45 minor is a victim of sexual abuse as defined in
3 46 chapter 709 and has reported the sexual abuse to law
3 47 enforcement.

3 48 m. A copy of the completed certification form
3 49 pursuant to section 135L.2, a copy of the notification
3 50 document mailed to a parent, or a copy of the order
4 1 waiving notification shall be attached to the petition
4 2 for termination of parental rights, unless the
4 3 pregnant minor is otherwise exempt from obtaining any
4 4 of these documents under this chapter."

4 5 #6. Page 4, by striking lines 1 through 25 and
4 6 inserting the following:

4 7 "#___. Page 9, by striking lines 7 and 8 and
4 8 inserting the following: "proceedings on the pregnant
4 9 minor's own behalf. The court may appoint a guardian
4 10 ad litem for the pregnant minor and the court shall
4 11 appoint a guardian ad litem for the pregnant minor if
4 12 the pregnant minor is not accompanied by an adult and
4 13 if the pregnant minor has not viewed the video as
4 14 provided pursuant to section 135L.2. The".

4 15 #___. Page 9, line 15, by striking the word
4 16 "anonymity" and inserting the following:
4 17 "confidentiality".

4 18 #___. Page 9, line 23, by striking the word "The"
4 19 and inserting the following: "Notwithstanding any law
4 20 or rule to the contrary, the".

4 21 #___. Page 10, line 7, by striking the word
4 22 "anonymous,".

4 23 #___. Page 10, line 16, by inserting after the
4 24 word "proceedings." the following: "Fees charged and
4 25 court costs taxed in connection with a proceeding
4 26 under this section are waived."

4 27 #___. Page 10, line 21, by striking the word "
4 28 anonymous,".

4 29 #7. Page 4, by striking line 26.

4 30 #8. Page 4, by inserting before line 27 the
4 31 following:

4 32 "#___. Page 11, lines 15 and 16, by striking the
4 33 words "with confirmation by the senate"."

4 34 #9. Page 4, by inserting after line 50 the
4 35 following:

4 36 "#___. Page 12, lines 12 and 13, by striking the
4 37 words "pursuant to section 69.19" and inserting the
4 38 following: "on the date on which all members are
4 39 appointed".

4 40 #___. Page 12, line 26, by inserting after the
4 41 word "process" the following: "or other contractual

4 42 arrangement".
4 43 #____. Page 12, line 27, by inserting after the
4 44 word "applications" the following: "or upon agreement
4 45 of a simple majority of the members to a contractual
4 46 agreement".
4 47 #10. Page 5, by inserting after line 2 the
4 48 following:
4 49 "#____. Page 13, line 20, by inserting after the
4 50 figure "1996." the following: "The advisory committee
5 1 shall submit a report to the general assembly by
5 2 January 8, 1996, regarding the progress of the
5 3 committee in completing the committee's duties
5 4 regarding the development and distribution of the
5 5 video."
5 6 #11. Page 5, line 8, by inserting after the word
5 7 "section" the following: "135L.3 with regard to
5 8 notification of a parent prior to the termination of
5 9 parental rights of a pregnant minor for the purposes
5 10 of placing the child for adoption or of section".
5 11 #12. Page 5, by striking line 9.
5 12 #13. Page 5, by striking lines 10 and 11.
5 13 #14. Page 5, line 21, by striking the words
5 14 "physician or" and inserting the following:
5 15 "physician,".
5 16 #15. Page 5, line 22, by inserting after the word
5 17 "physician" the following: ", or to be attached to
5 18 the termination of parental rights petition".
5 19 #16. Page 5, line 28, by inserting after the word
5 20 "minor" the following: "or relative to the
5 21 termination of parental rights of a pregnant minor".
5 22 #17. Page 5, by striking lines 41 through 46.
5 23 #18. By striking page 5, line 47, through page 6,
5 24 line 4, and inserting the following:
5 25 "#____. Page 16, line 23, by striking the word
5 26 "thirty" and inserting the following: "sixty"."
5 27 #19. Page 6, by striking lines 5 through 9 and
5 28 inserting the following:
5 29 "#____. By striking page 16, line 28, through page
5 30 17, line 3, and inserting the following:
5 31 "If the advisory committee created pursuant to
5 32 section 135L.5 has completed its duties regarding the
5 33 development and distribution of the video pursuant to
5 34 section 135L.2 prior to January 1, 1996, the remainder
5 35 of this Act takes effect January 1, 1996. However, if
5 36 the advisory committee has not completed its duties
5 37 prior to January 1, 1996, sections 1 through 4 and 6
5 38 through 9 of this Act take effect July 1, 1996."
5 39 #20. By renumbering, relettering, and correcting
5 40 internal references as necessary.

5 41 [SF 13S](#)

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