

Senate Amendment 5718

Amendment Text

PAG LIN

1 1 Amend [House File 2050](#), as passed by the House, as
1 2 follows:

1 3 #1. Page 1, by inserting before line 1 the
1 4 following:

1 5 "Section 1. Section 135L.2, subsection 3, as
1 6 enacted by 1996 Iowa Acts, [Senate File 13](#), section 2,
1 7 is amended to read as follows:

1 8 3. During the initial appointment between a
1 9 licensed physician and a pregnant minor, a licensed
1 10 physician, who is providing medical services to a
1 11 pregnant minor, shall offer the viewing of the video
1 12 and the written decision-making materials to the
1 13 pregnant minor, and shall obtain the signed and dated
1 14 certification form from the pregnant minor. If the
1 15 pregnant minor has previously been offered the viewing
1 16 of the video and the written decision-making materials
1 17 by another source, the licensed physician shall obtain
1 18 the completed certification form from the other source
1 19 to verify that the pregnant minor has been offered the
1 20 viewing of the video and the written decision-making
1 21 materials. A licensed physician shall not perform an
1 22 abortion on a pregnant minor prior to obtaining the
1 23 completed certification form from a pregnant minor.
1 24

~~1 25 If the pregnant minor decides to terminate parental~~

~~1 26 rights following the child's birth, a copy of the~~

~~1 27 completed certification form shall be attached to the~~

~~1 28 petition for termination of parental rights.~~

~~1 29~~

~~1 30~~

~~1 31~~

1 28 Sec. 2. Section 135L.4, subsection 3, paragraph d,
1 29 as enacted by 1996, Iowa Acts, [Senate File 13](#), section
1 30 4, is amended to read as follows:

1 31 d. Notwithstanding any law or rule to the
1 32 contrary, the court proceedings under this section

~~1 33~~

~~1 34~~

~~1 35 section 135L.3~~

~~1 36 shall be given precedence over other~~

~~1 37 pending matters to ensure that the court reaches a
1 38 decision expeditiously.~~

1 36 Sec. 3. Section 135L.6, unnumbered paragraph 1, as
1 37 enacted by 1996 Iowa Acts, [Senate File 13](#), section 6,
1 38 is amended to read as follows:

1 39 If a pregnant minor's attending physician certifies

1 40 in writing that a medical emergency exists which
1 41 necessitates the immediate performance of an abortion
1 42 on the pregnant minor, and which results in the
1 43 inapplicability of section 135L.2 with regard to the
1 44 required offering of the viewing of the video

~~—, of~~

1 45

~~— section 135L.3 with regard to notification of a parent~~

1 46

~~— prior to the termination of parental rights of a~~

1 47

~~— pregnant minor for the purposes of placing the child~~

1 48

~~— for adoption,~~

— or of section 135L.4 with regard to

1 49 notification of a parent prior to the performance of
1 50 an abortion on a pregnant minor, the attending

2 1 physician shall do the following:

2 2 Sec. 4. Section 135L.6, subsection 2, paragraph e,
2 3 as enacted by 1996 Iowa Acts, [Senate File 13](#), section
2 4 6, is amended to read as follows:

2 5 e. The pregnant minor elects not to allow
2 6 notification of the pregnant minor's parent and a
2 7 court authorizes waiver of the notification
2 8 requirement following completion of the proceedings
2 9 prescribed under section

~~— 135L.3 or~~

— 135L.4.

2 10 Sec. 5. Section 135L.7, subsections 1 and 2, as
2 11 enacted by 1996 Iowa Acts, [Senate File 13](#), section 7,
2 12 are amended to read as follows:

2 13 1. Knowingly tenders a false original or copy of
2 14 the signed and dated certification form described in
2 15 section 135L.2, to be retained by the licensed
2 16 physician

~~— or~~ to be sent to the pregnant minor's

2 17 attending physician

~~—, or to be attached to the~~

2 18

~~— termination of parental rights petition pursuant to~~

2 19

~~— section 135L.3~~

2 20 2. Knowingly tenders a false original or copy of
2 21 the notification document mailed to a parent,
2 22 grandparent, or aunt or uncle of the pregnant minor
2 23 under this chapter, a false original or copy of the
2 24 written certification to be provided to a parent of a
2 25 pregnant minor pursuant to section 135L.6, or a false
2 26 original or copy of the order waiving notification

2 27 relative to the performance of an abortion on a
2 28 pregnant minor

~~or relative to the termination of~~

2 29

~~parental rights of a pregnant minor~~

2 30 Sec. 6. Section 232.5, as enacted by 1996 Iowa
2 31 Acts, [Senate File 13](#), section 10, is amended to read
2 32 as follows:
2 33 232.5

~~ADOPTION OF CHILD BORN TO A MINOR OR~~

2 34 ABORTION PERFORMED ON A MINOR - WAIVER OF
2 35 NOTIFICATION PROCEEDINGS.
2 36 The court shall have exclusive jurisdiction over
2 37 the proceedings for the granting of an order for
2 38 waiver of the notification requirements relating to
2 39

~~the adoption of a child born to a minor or to~~
- the

2 40 performance of an abortion on a minor pursuant to
2 41

~~sections 135L.3 and~~

~~section 135L.4."~~

2 42 #2. Page 1, by inserting after line 9 the
2 43 following:
2 44 "Sec. _____. Section [600A.6](#), Code 1995, is amended
2 45 by adding the following new subsection:
2 46 NEW SUBSECTION. 7. If a petition for the
2 47 termination of parental rights of a pregnant minor or
2 48 a minor who has given birth is filed, notice of the
2 49 termination hearing shall also be served upon a
2 50 custodial parent or a legal guardian or custodian of
3 1 the pregnant minor or minor who has given birth in
3 2 accordance with the service of notice provisions of
3 3 this section. A custodial parent or a legal guardian
3 4 or custodian of the pregnant minor or minor who has
3 5 given birth is not a necessary party under this
3 6 section and the notice provided under this subsection
3 7 is for informational purposes only and shall not be
3 8 construed to confer any substantive rights on the
3 9 custodial parent or legal guardian or custodian of the
3 10 pregnant minor or minor who has given birth in
3 11 addition to those rights existing under current law.
3 12 Notice under this subsection shall be waived by the
3 13 court if the court determines that the pregnant minor
3 14 or minor who has given birth is capable of providing
3 15 consent to the termination of parental rights of the
3 16 minor child, that notification is not in the best
3 17 interest of the pregnant minor or minor who has given
3 18 birth or of the minor child, or that other good cause
3 19 exists for the waiver. Failure to provide notice to a
3 20 custodial parent or a legal guardian or custodian of
3 21 the pregnant minor or minor who has given birth does
3 22 not constitute good cause for revocation of a release
3 23 of custody and is not grounds for denial,
3 24 modification, vacation, or appeal of a termination of
3 25 parental rights order or of an interlocutory or final
3 26 adoption decree.

3 27 Sec. _____. 1996 Iowa Acts, [Senate File 13](#), sections
3 28 3, 11, 12, and 13, are repealed."

3 29 #3. Title page, line 1, by inserting after the
3 30 word "to" the following: "adoption, including".
3 31 #4. Title page, line 3, by inserting after the
3 32 word "services" the following: ", requirements
3 33 relating to the adoption of the child of a minor
3 34 parent, and providing a repeal".
3 35
3 36
3 37 _____
3 38 RANDAL J. [GIANNETTO](#)
3 39
3 40
3 41 _____
3 42 LARRY [MURPHY](#)
3 43
3 44
3 45 _____
3 46 ELAINE [SZYMONIAK](#)
3 47
3 48
3 49 _____
3 50 MARY E. [KRAMER](#)
4 1
4 2
4 3 _____
4 4 MERLIN E. [BARTZ](#)
4 5 [HF 2050.201](#) 76
4 6 pf/jj