

House File 474

S-3144

1 Amend House File 474, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, by striking lines 5 through 25 and inserting:
4 <Sec. _____. Section 232.78, Code 2023, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 9. Notwithstanding any provision to the
7 contrary including priority in placement of a child under
8 subsection 8, if an ex parte order is requested from the
9 juvenile court under this section pursuant to section 233.2
10 for transfer of custody of a newborn infant, the department
11 shall request that custody be transferred to the department.
12 Upon receiving the order, the department shall take custody
13 of the newborn infant and proceed in accordance with chapter
14 233, including, if feasible, placing the newborn infant in a
15 prospective adoptive home.>

16 2. By striking page 5, line 22, through page 7, line 25, and
17 inserting:

18 <3. a. As soon as possible after the individual on duty,
19 the adoption service provider, or the first responder assumes
20 physical custody of a newborn infant released under subsection
21 1, and, if applicable, the adoption service provider or the
22 first responder transports the newborn infant to the nearest
23 institutional health facility under subsection 2, paragraph
24 "b", the individual on duty, the adoption service provider,
25 or the first responder shall notify the department of human
26 services and the department shall take the actions necessary to
27 assume the care, control, and custody of the newborn infant.

28 b. The department shall immediately notify the juvenile
29 court and the county attorney of the department's action and
30 the circumstances surrounding the action and request an ex
31 parte order from the juvenile court ordering, in accordance
32 with the requirements of section 232.78, subsection 9, the
33 department to take custody of the newborn infant.

34 c. Upon receiving the order, the department shall take
35 custody of the newborn infant. After the department takes

1 custody of the newborn infant, notwithstanding any provision
2 to the contrary relating to priority in placement of the child
3 under section 232.78, the department shall, if feasible,
4 place the newborn infant in a prospective adoptive home. The
5 department shall maintain a list of prospective adoptive
6 homes that have completed placement investigations and have
7 been preapproved by the department or a certified adoption
8 investigator.

9 d. Within twenty-four hours of taking custody of the newborn
10 infant, the department shall notify the juvenile court and the
11 county attorney in writing of the department's action and the
12 circumstances surrounding the action.

13 4. a. Upon being notified in writing by the department
14 under [subsection 3](#), the county attorney shall file a
15 petition alleging the newborn infant to be a child in need of
16 assistance in accordance with [section 232.87](#) and a petition
17 for termination of parental rights with respect to the newborn
18 infant in accordance with [section 232.111, subsection 2,](#)
19 [paragraph "a"](#). A hearing on a child in need of assistance
20 petition filed pursuant to [this subsection](#) shall be held at
21 the earliest practicable time. A hearing on a termination of
22 parental rights petition filed pursuant to [this subsection](#)
23 shall be held no later than thirty days after the day the
24 physical custody of the newborn child was relinquished
25 in accordance with [subsection 1](#) unless the juvenile court
26 continues the hearing beyond the thirty days for good cause
27 shown.

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

1 3. Page 9, lines 3 and 4, by striking <and the involvement
2 of adoption service providers>

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