

House Amendment to
Senate File 561

S-3221

1 Amend Senate File 561, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 62, line 17, by striking <subsection 1, within the
4 same period> and inserting <subsection 1>

5 2. Page 71, after line 3 by inserting:

6 <DIVISION ____

7 ADMINISTRATOR OF CHILD AND FAMILY SERVICES CONFORMING REPEAL
8 Sec. ____ . 2023 Iowa Acts, Senate File 514, section 1357, as
9 enacted, is amended to read as follows:

10 SEC. 1357. REPEAL. Sections 135.2, 135.3, 135.6, 135.7,
11 135.8, 135.9, 135.10, 216A.2, 217.7, 217.8, 217.9, 217.10,
12 217.15, 217.16, 217.17, 218.19, 218.20, 218.40, 218.53, 218.54,
13 222.6, 227.19, 231.22, and 234.2, Code 2023, are repealed.>

14 3. Page 77, after line 35 by inserting:

15 <DIVISION ____

16 SAFE HAVEN ACT HARMONIZATION

17 Sec. ____ . Section 233.2, Code 2023, is amended to read as
18 follows:

19 **233.2 Newborn infant custody release procedures.**

20 1. a. A parent of a newborn infant may voluntarily release
21 custody of the newborn infant by as follows:

22 (1) By relinquishing physical custody of the newborn
23 infant, without expressing an intent to again assume physical
24 custody, at an institutional health facility or a fire station,
25 to an adoption service provider, or by authorizing another
26 person to relinquish physical custody on the parent's behalf.
27 If physical custody of the newborn infant is not relinquished
28 directly to an individual on duty at the an institutional
29 health facility or a fire station, or to an adoption service
30 provider, the parent may take other actions to be reasonably
31 sure that an the individual on duty or the adoption service
32 provider is aware that the newborn infant has been left at
33 the institutional health facility, the fire station, or the
34 location of the adoption service provider. The actions may
35 include but are not limited to making telephone contact with

1 the institutional health facility, the fire station, or the
2 adoption service provider, or a 911 service.

3 (2) By relinquishing physical custody of the newborn infant
4 to medical staff at a hospital or other facility following
5 delivery of the newborn infant in the hospital or other
6 facility when the parent notifies the medical staff that the
7 parent is voluntarily relinquishing physical custody of the
8 newborn infant without expressing an intent to again assume
9 physical custody.

10 (3) By relinquishing physical custody of the newborn infant
11 at a hospital, a fire station, or an emergency medical care
12 provider location, through a newborn safety device, without
13 expressing an intent to again assume physical custody.

14 b. In lieu of the procedure described in paragraph "a",
15 a parent of a newborn infant may make telephone contact with
16 a 911 service and relinquish physical custody of the newborn
17 infant, without expressing an intent to again assume physical
18 custody, to a first responder who responds to the 911 telephone
19 call.

20 c. For the purposes of [this chapter](#) and for any judicial
21 proceedings associated with the newborn infant, a rebuttable
22 presumption arises that the person who relinquishes physical
23 custody ~~at an institutional health facility or to a first~~
24 ~~responder~~ in accordance with [this section](#) is the newborn
25 infant's parent or has relinquished physical custody with the
26 parent's authorization.

27 2. a. Unless the parent or other person relinquishing
28 physical custody of a newborn infant clearly expresses an
29 intent to return to again assume physical custody of the
30 newborn infant, ~~an~~ the individual on duty or the medical staff
31 at the institutional health facility, the emergency medical
32 care provider location, or the fire station at which physical
33 custody of the newborn infant was relinquished, the adoption
34 service provider to whom physical custody of the newborn infant
35 was relinquished, or a the first responder to whom physical

1 custody of the newborn infant was relinquished, pursuant
2 to [subsection 1](#) shall take physical custody of the newborn
3 infant. The individual on duty or the medical staff, the
4 adoption service provider, or the first responder who takes
5 physical custody of the newborn infant may request the parent
6 or other person to provide the name of the parent or parents
7 and information on the medical history of the newborn infant
8 and the newborn infant's parent or parents. However, the
9 parent or other person is not required to provide the names or
10 medical history information to comply with [this section](#). The
11 individual on duty or the medical staff, the adoption service
12 provider, or the first responder who takes physical custody of
13 the newborn infant may perform reasonable acts necessary to
14 protect the physical health or safety of the newborn infant.
15 The individual on duty and or the medical staff, the adoption
16 service provider, and the first responder to whom physical
17 custody of the newborn infant was relinquished, and the
18 institutional health facility in, the emergency medical care
19 provider location, and the fire station at which the individual
20 was on duty and the first responder physical custody of the
21 newborn infant was relinquished are immune from criminal or
22 civil liability for any acts or omissions made in good faith to
23 comply with [this section](#).

24 *b.* If the physical custody of a newborn infant is
25 relinquished at an emergency medical care provider location or
26 a fire station, to an adoption service provider, or to a first
27 responder, the individual on duty at the emergency medical
28 care provider location or the fire station, the adoption
29 service provider, or the first responder who responded to the
30 911 telephone call shall transport the newborn infant to the
31 nearest institutional health facility. The individual on duty
32 at the emergency medical care provider location or the fire
33 station, the adoption service provider, or the first responder
34 who took physical custody of the newborn infant shall provide
35 any parental identification or medical history information to

1 the institutional health facility.

2 *c.* If the physical custody of the newborn infant is
3 relinquished at an institutional health facility, the state
4 shall reimburse the institutional health facility for the
5 institutional health facility's actual expenses in providing
6 care to the newborn infant and in performing acts necessary to
7 protect the physical health or safety of the newborn infant.
8 The reimbursement shall be paid from moneys appropriated for
9 this purpose to the department ~~of human services~~.

10 *d.* If the name of the parent is unknown to the institutional
11 health facility, the individual on duty at the institutional
12 health facility or other person designated by the institutional
13 health facility at which physical custody of the newborn infant
14 was relinquished shall submit the certificate of birth report
15 as required pursuant to [section 144.14](#). If the name of the
16 parent is disclosed to the institutional health facility,
17 the facility shall submit the certificate of birth report as
18 required pursuant to [section 144.13](#). The department ~~of public~~
19 ~~health~~ shall not file the certificate of birth with the county
20 of birth and shall otherwise maintain the confidentiality of
21 the birth certificate in accordance with [section 144.43](#).

22 3. *a.* As soon as possible after the individual on duty
23 or the medical staff, the adoption service provider, or the
24 first responder assumes physical custody of a newborn infant
25 released under [subsection 1](#), and, if applicable, the individual
26 on duty at the emergency medical care provider location
27 or the fire station, the adoption service provider, or the
28 first responder transports the newborn infant to the nearest
29 institutional health facility under subsection 2, paragraph
30 "b", the individual ~~or~~ on duty or the medical staff shall notify
31 either the department or an adoption service provider and the
32 first responder shall notify the department ~~of human services~~
33 and the. The department or the adoption service provider shall
34 take the actions necessary to assume the care, control, and
35 custody of the newborn infant.—The as follows:

1 (1) If physical custody of the newborn infant was not
2 initially relinquished to an adoption service provider,
3 the department shall immediately notify the juvenile court
4 and the county attorney of the department's action and the
5 circumstances surrounding the action and request an ex parte
6 order from the juvenile court ordering, in accordance with the
7 requirements of section 232.78, subsection 9, the department
8 to take custody of the newborn infant. Upon receiving the
9 order, the department shall take custody of the newborn
10 infant. After the department takes custody of the newborn
11 infant, notwithstanding any provision to the contrary relating
12 to priority placement of the child under section 232.78, the
13 department shall, if feasible, place the newborn infant in
14 a prospective adoptive home. The department shall maintain
15 a list of prospective adoptive homes that have completed
16 placement investigations and have been preapproved by the
17 department or a certified adoption investigator.

18 (2) If physical custody of the newborn infant was initially
19 relinquished to an adoption service provider, the adoption
20 service provider shall immediately notify the juvenile court
21 and the county attorney of the adoption service provider's
22 action and the circumstances surrounding the action and
23 request an ex parte order from the juvenile court ordering, in
24 accordance with the requirements of section 232.78, subsection
25 9, the adoption service provider to take custody of the
26 newborn infant. Upon receiving the order, the adoption service
27 provider shall take custody of the newborn infant.

28 b. Within twenty-four hours of the department or the
29 adoption service provider taking custody of the newborn infant,
30 the department or the adoption service provider shall notify
31 the juvenile court and the county attorney in writing of the
32 department's or adoption service provider's action and the
33 circumstances surrounding the action.

34 c. Within twenty-four hours of the adoption service provider
35 taking custody of the newborn infant, the adoption service

1 provider shall notify the department in writing that the
2 adoption service provider has taken custody of the newborn
3 infant and will comply with the requirements of chapter 233.

4 4. a. Upon being notified in writing by the department or
5 the adoption service provider under [subsection 3](#), the county
6 attorney shall file a petition alleging the newborn infant to
7 be a child in need of assistance in accordance with section
8 232.87 and a petition for termination of parental rights with
9 respect to the newborn infant in accordance with section
10 232.111, subsection 2, paragraph "a". A hearing on a child in
11 need of assistance petition filed pursuant to [this subsection](#)
12 shall be held at the earliest practicable time. A hearing on a
13 termination of parental rights petition filed pursuant to this
14 subsection shall be held no later than thirty days after the
15 day the physical custody of the newborn child was relinquished
16 in accordance with [subsection 1](#) unless the juvenile court
17 continues the hearing beyond the thirty days for good cause
18 shown.

19 b. Notice of a petition filed pursuant to [this subsection](#) by
20 either the department or the adoption service provider shall
21 be provided to any known parent and others in accordance with
22 the provisions of [chapter 232](#) and shall be served upon any
23 putative father registered with the state registrar of vital
24 statistics pursuant to [section 144.12A](#). In addition, prior to
25 holding a termination of parental rights hearing with respect
26 to the newborn infant, notice by publication shall be provided
27 as described in [section 600A.6, subsection 5](#).

28 5. Reasonable efforts, as defined in [section 232.102](#), that
29 are made in regard to the newborn infant shall be limited to
30 the efforts made in a timely manner to finalize a permanency
31 plan for the newborn infant.

32 6. ~~An~~ The individual on duty or the medical staff at an
33 institutional health facility, emergency medical care provider
34 location, or fire station, the adoption service provider, or
35 the first responder who assumes physical custody of a newborn

1 infant upon the release of the newborn infant under subsection
2 1 shall be provided notice of any hearing held concerning
3 the newborn infant at the same time notice is provided to
4 other parties to the hearing and the individual on duty or the
5 medical staff, the adoption service provider, or the first
6 responder may provide testimony at the hearing.

7 Sec. _____. Section 233.6, Code 2023, is amended to read as
8 follows:

9 **233.6 Educational and public information.**

10 ~~The department of human services, in consultation with the~~
11 ~~Iowa department of public health and the department of justice,~~
12 shall develop and distribute the following:

13 1. An information card or other publication for
14 distribution by an institutional health facility, an emergency
15 medical care provider location, a fire station, an adoption
16 service provider, or a first responder to a parent who releases
17 custody of a newborn infant in accordance with [this chapter](#).
18 The publication shall inform the parent of a parent's rights
19 under [section 233.4](#), explain the request for medical history
20 information under [section 233.2, subsection 2](#), and provide
21 other information deemed pertinent by the departments.

22 2. Educational materials, public information announcements,
23 and other resources to develop awareness of the availability
24 of the newborn safe haven Act and the involvement of adoption
25 service providers among adolescents, young parents, and others
26 who might avail themselves of [this chapter](#).

27 3. Signage that may be used to identify the institutional
28 health facilities, emergency medical care provider locations,
29 fire stations, and adoption service provider locations at which
30 physical custody of a newborn infant may be relinquished in
31 accordance with [this chapter](#).

32 Sec. _____. 2023 Iowa Acts, Senate File 514, section 656,
33 amending section 233.6, unnumbered paragraph 1, Code 2023, as
34 enacted, is amended by striking the section.

35 Sec. _____. 2023 Iowa Acts, House File 425, section 2,

1 amending section 233.2, Code 2023, if enacted, is amended by
2 striking the section.

3 Sec. _____. 2023 Iowa Acts, House File 425, section 4,
4 amending section 233.6, Code 2023, if enacted, is amended by
5 striking the section.

6 Sec. _____. 2023 Iowa Acts, House File 474, section 8,
7 amending section 233.2, Code 2023, if enacted, is amended by
8 striking the section.

9 Sec. _____. 2023 Iowa Acts, House File 474, section 10,
10 amending section 233.6, Code 2023, if enacted, is amended by
11 striking the section.>

12 4. By renumbering as necessary.