

ADOPTION LAWS STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
First Session of the Sixty-sixth General Assembly
State of Iowa
1975

FINAL REPORT
ADOPTION LAWS STUDY COMMITTEE

December, 1974

In response to House Concurrent Resolution 145, Sixty-fifth General Assembly, 1974 Session, the Adoption Laws Study Committee was established by the Legislative Council at its June 12, 1974 meeting. House Concurrent Resolution 145 noted two reasons for such a study:

1. Substantial revision in the Iowa adoption laws has not occurred for over twenty-five years.

2. The rights of the natural father has recently been recognized on the constitutional level, possibly in conflict with the notice provisions of the Iowa adoption laws.

House Concurrent Resolution 145 also suggested that any revision of the Iowa adoption laws should occur only after a broad input into the legislative process by the Department of Social Services, licensed child-placing agencies, lawyers, judges, doctors, clergy, and other interested persons.

The Legislative Council named the following members of the General Assembly to serve as members of the Committee:

Senator Willard R. Hansen
Senator Calvin O. Hultman
Senator George R. Kinley
Senator Elizabeth O. Shaw
Representative Arlyn E. Danker
Representative William J. Hargrave
Representative Brice C. Oakley

At its first meeting on August 21, 1974, the Committee adopted its rules and Representative Oakley was elected Chairman and Senator Shaw was elected Vice Chairwoman.

The August 21, 1974 Committee meeting was organizational in nature. The Committee determined it could meet its charge in four meeting days: two days devoted to receiving testimony from interested persons, (held on September 23-24, 1974); one day devoted to preliminary revision considerations of the Iowa adoption laws, (held on November 19, 1974); and one day devoted to compilation of a bill draft effectuating revision of the Iowa adoption laws, (held on December 17, 1974). The Committee, at this meeting, also conducted an informal discussion with Ms. Miriam Turnbull, Director of Adoptions, Department of Social Services, and other representatives of the Department of Social Services and received the following documents, copies of which are on file in

the office of the Legislative Service Bureau and by this reference made a part of this Report:

1. "Memorandum--The Impact and Implications of Stanley v. Illinois", prepared by the Legislative Service Bureau.

2. "Loss of Privacy--A Cost of Notice by Publication in Adoptions", by Ms. Artis Reis, social worker and University of Iowa law student.

Interested persons were invited to submit written and oral testimony at the Committee's September 23-24, 1974 meeting responding to the following:

General Comments on the thrust of House File 1100, introduced in the Sixty-Fifth General Assembly, 1974 Session, as a concept including--

a. The nature and extent of the termination of the rights of the natural mother and father,

b. Whether independent placements should be continued by those other than licensed child-placing agencies as presently structured within the Department of Social Services,

c. Whether adoptees should be able to determine, other than by application to the court, the names of the biological parents,

d. What the length of time from placement to final adoption should be,

e. The desirability of investigation in step-parent adoption,

f. Who should conduct that investigation,

g. The desirability of preplacement investigation by the Department of Social Services if independent placements are retained, and

h. Whether a charge for that service should be made by the state of Iowa.

2. As it more specifically pertains to presently licensed child-placing agencies, the agencies are expected to be prepared to answer the following--

a. Number of adoption inquiries,

b. Number of applications taken,

c. Number of applications approved and disapproved and the criteria used,

- d. Number of placements made (suggest 1973 figures be used),
- e. Summary of personnel and services offered,
- f. Nature and extent of investigation, home visits, interstate placements, natural parent counseling services, length of time from approval of application to placement and the criteria of matching child and parents,
- g. The extent of the cases in which waiver of the one-year waiting period is requested and granted by the courts.
- h. Follow-up on adoptive parents after finalization by entry of decree including the percentage of cases in which there are divorces, relinquishment or annulment of adoption by another agency or the parents, achievement of child, etc. This latter is important to determine if there is a basis upon which to reject the desirability of independent placements.
- i. The extent of the practice of placing a child in foster care pending receipt of releases from natural parents.
- j. The cost to the adoptive parents of application and agency fees and payment of medical costs.
- k. The desirability of multiple listing with more than one agency and whether the agency discourages such multiple listing at the present time and the reasons for such advice.
- l. Comments on the relationship with the Department of Social Services including reasonableness of Social Service regulations and rules and frequency of supervision.

The following persons responded to the invitation and appeared before the Committee on September 23-24, 1974:

Mr. Robert C. Oberbillig, Legal Aid Society of Polk County
Mrs. JoAnn Loots, Hillcrest Services to Children and Youth
Mr. Wayne Allen, Catholic Charities of Sioux City
Mrs. Jeanne Lueders, Waterloo
Mrs. Marilyn Ebbert, Florence Crittendon Home
Mr. Robert E. Mannheimer, Attorney at Law
Mrs. Pat Eggleston, Catholic Social Services
Father Thomas Rhomberg, Catholic Charities of Dubuque
Mr. Tom Lazio, American Home Finding Association
Ms. Mary S. McCue, Open Door Society
Ms. Judy Musser, Open Door Society
Ms. Artis I. Reis, Iowa City
Mr. Randy Hoth, Department of Social Services
Ms. Sally Stutsman, Department of Social Services
Ms. Celestine Cross, Department of Social Services
Ms. Kathy Simmons, Iowa Women's Political Caucus
Mrs. Vonda Craig, Ankeny
Mr. Frederick Becker, Southwest Iowa Adoptive Parents'
Association

Mr. Jonathan Penner, Iowa City
Mrs. Jan Jones, Pella
Mrs. Barbara M. Fedeler, Ames
Mrs. Karon Perlowski, Mercy Hospital of Des Moines
Sister Mary Charles, Mercy Hospital of Des Moines
Mrs. Pam Correlle, Cedar Falls
Mrs. Sally Bowen, Des Moines
Mr. D. H. Blobaum, Lutheran Family Service
Mr. Harris M. Coggeshall, Attorney at Law
Mr. Art Marck, Lutheran Social Services of Iowa
Mr. Del E. Gehring, M.D.
Mr. W. A. Singer, Attorney At Law
Mr. Everett K. Petersen, Department of Social Services
Mr. Raymond V. Sundberg, Department of Social Services
Mrs. Miriam Turnbull, Department of Social Services
Ms. Sandy Scott, Department of Social Services
Mr. Tim McCarthy, Iowa Catholic Conference
Judge L. E. Plummer, Chairman, District Court Judges
Association

Aside from the written testimony received from persons appearing before the Committee, written testimony was also received from Mrs. Rosemary Sackett, Attorney at Law, and Mr. Lawrence H. Scales, Executive Director, Iowa Children's and Family Services. Copies of all written testimony are on file in the office of the Legislative Service Bureau and by this reference made a part of this Report.

At the conclusion of the Committee's September 23-24, 1974 meeting, the Committee requested the Legislative Service Bureau to:

1. Summarize the testimony received.
2. Prepare a list of the issues raised by the testimony received.
3. Prepare a working bill draft revising the Iowa adoption laws with alternative provisions in place reflecting the different resolutions suggested for the issues raised by the testimony received.
4. Compile comments to the working bill draft indicating the source of the different provisions in the draft.
5. Research the question of how many other states permit the placement of children for adoption by persons other than licensed child-placing agencies, i.e., independent placement.

Documents responding to the Committee's requests were given to Committee members prior to or at the Committee's November 19, 1974 meeting. Copies of these documents are on file in the office of the Legislative Service Bureau and by this reference made a part of this Report. In particular, however, the following issues relating to revision of the Iowa adoption laws were identified to the satisfaction of the Committee:

MAJOR ISSUE #1: How is the termination of the natural parents' rights in their child to be effectuated in regard to the expected adoption of that child?

SUBISSUE #1: Should voluntary relinquishment of parental rights be allowed, and if so, under what conditions?

SUBISSUE #2: What notice to a natural parent of a termination hearing will be sufficient from both a constitutional, (with special reference to Stanley and the natural mother's right to privacy), and public policy standpoint?

SUBISSUE #3: Should persons standing in loco parentis of the natural parents be recognized in the termination process?

SUBISSUE #4: What is the first and last point in the total adoption process at which termination of the natural parents' rights should be effectuated?

SUBISSUE #5: What involvement and discretion should the judiciary exercise in the termination of the natural parents' rights and which court should have jurisdiction over this subject matter?

SUBISSUE #6: Should an investigation of and counseling with the natural parents precede termination of their rights in their child?

SUBISSUE #7: What should be the nature of a termination hearing?

SUBISSUE #8: Under what conditions and for what reasons should the natural parents' rights be terminated in their child?

SUBISSUE #9: Should termination proceedings related to the adoption process be statutorily separated from those prescribed for neglected, dependent, or delinquent child adjudications?

MAJOR ISSUE #2: What should be the process between placement of a child with prospective adoptive parents and finalization of an adoption with those parents?

SUBISSUE #1: Should a preplacement investigation be conducted prior to every placement of a child with prospective adoptive parents?

SUBISSUE #2: Should a post-placement or pre-adoption investigation be conducted subsequent to every placement of a child with prospective adoptive parents?

SUBISSUE #3: Should a distinction be made in the type of investigations conducted with regard to whether the adoption is sought by a related or nonrelated prospective adoptive parent?

SUBISSUE #4: Who should conduct the various investigations enumerated above?

SUBISSUE #5: How should the various investigations enumerated above be financially supported?

SUBISSUE #6: What length of time should expire between initial placement and rendering of an adoption decree and between filing of an adoption petition and rendering of an adoption decree?

SUBISSUE #7: Should minimum criteria for the placement of a child be statutorily established and, if so, under what specificity?

MAJOR ISSUE #3: Should independent placement of children for adoption be statutorily permitted and, if so, under what conditions?

MAJOR ISSUE #4: What information in regard to a child's biological background should be made available?

SUBISSUE #1: How much of, by and from whom, when, and under what conditions should this information be collected?

SUBISSUE #2: How much of, to and from whom, when, and under what conditions should this information be distributed?

MINOR ISSUE #1: Upon termination of the natural parents' rights in their child or simply upon placement of a child for adoption, who should have legal responsibility for that child?

MINOR ISSUE #2: Should the natural parents have, either prior or subsequent to termination of parental rights, any input into the selection of adoptive parents?

MINOR ISSUE #3: Who should be eligible to adopt a child?

MINOR ISSUE #4: Should a post-adoption investigation be conducted and, if so, for what purpose?

MINOR ISSUE #5: Should the rights of a child involved in the adoption process be statutorily delineated?

MISCELLANEOUS ISSUE #1: How completely do the present adoption laws need to be revised?

MISCELLANEOUS ISSUE #2: What terms should not be utilized in drafting adoption legislation?

MISCELLANEOUS ISSUE #3: Should adoptions that have already been completed and that do not meet the requirements of Stanley be cured statutorily?

The Committee's recommendations, supra this Report, and the bill draft, Appendix #1 of this Report, correspond and respond, respectively, to these identified issues.

At its November 19, 1974 meeting, the Committee reviewed the working bill draft prepared for it. Of major impact, the Committee selected the alternative provisions relating to termination of parental rights prior to adoption by the adopting parents it desired to be included in its final recommended bill. The issues of whether to permit independent placements and what type of adoption investigations should be required were discussed but left pending resolution at the December 17, 1974 Committee meeting.

Prior to the Committee's final meeting on December 17, 1974, members of the Committee were sent a revision of the working bill draft, reflecting issues decided and deleting the comments. At the Committee's final meeting, the issues before the Committee were resolved and a recommended bill draft approved.

Pursuant to its charge to formulate substantial revisions in the Iowa adoption laws, the Adoption Laws Study Committee makes the following recommendations to the Legislative Council and the Sixty-sixth General Assembly:

1. The General Assembly should enact the approved Committee bill which is attached to this Report as Appendix #1 since it encompasses all of the subsequent recommendations.

2. Voluntary relinquishments of parental rights should be allowed if parental rights are released extrajudicially to a proper person, if the relinquishment is accomplished by a termination procedure which is in accordance with due process of the law and is supervised by the juvenile court, and if the parents of the child have standing to challenge the voluntariness of the custody release.

3. Every reasonable effort should be made to notify a natural parent who has not waived notice of the pendency of a termination hearing. If the natural parent is known and located, the parent should receive in-hand notice. If the natural parent is known but unlocated, the parent should receive certified mail or published notice, including only his name. If the natural parent is unknown and unlocated, he should receive published notice, including the name of the known parent. However in this last instance, the district court should have discretion to waive notice if it deems such published notice is not likely to apprise the natural parent of the pendency of the termination hearing. The Committee feels this method of notice is the only reasonable compromise among the competing dictates of Stanley v. Illinois, 405 U.S. 645 (1972), the right to privacy of a natural mother, and the considerations of public policy.

4. Persons standing in loco parentis to a child should be recognized in the termination of parental rights process to the

extent that may extrajudicially obtain legal custody of or have obtained possession of the child and to the extent that their interest are in harmony with the best interests of the child.

5. Termination of parental rights should not occur less than seventy-two hours after the birth of the child, should occur before an adoption petition is filed, and should occur either before or after the child is placed with prospective adoptive parents.

6. Investigation of and counseling with natural parents prior to termination of their rights should not be prescribed statutorily because the juvenile court probably has inherent power to order such investigation or counseling.

7. The attached bill provides that the judiciary should be as active as is practicable in reviewing each step in the termination proceedings with the goal of protecting the rights of all persons involved in the proceedings.

8. A termination hearing should be equitable in nature and should be conducted informally and in private. A guardian ad litem should be appointed for the child whose rights are to be terminated. All necessary parties should be given an opportunity to be heard.

9. Termination of parental rights should be granted for the following reasons:

- a. If a parent petitions for termination.
- b. If a parent signs a written release and has not been successful in revoking it.
- c. If a parent does not appear at the termination hearing.
- d. If a parent has abandoned the child.
- e. If a parent has refused or neglected his duties to that child.
- f. If a parent has demonstrated by his conduct that the relationship is detrimental to the welfare of the child.
- g. If no satisfactory solution has been formulated under the proceedings of chapter 232 of the Code.
- h. If the parent has failed to contribute to the support of the child.

10. A pre-placement investigation of prospective adoptive parents should be conducted in almost all prospective adoption situations, except parents planning to adopt an adult should not be investigated. A pre-placement investigation should be conducted with regard to whether the prospective parents and child will be

suited to each other and should compile a complete medical and developmental history on the child to be adopted. A placement should not be permitted until the investigator approves of such placement, although the prospective parents should be allowed to appeal a disapproval to the district court.

11. A post-placement investigation concerning the progress of the placement and verifying the allegations of the petitioner should be conducted in almost all prospective adoption situations, except in the prospective adult adoption situation.

12. An investigation under either #10 or #11 should be capable of being waived by the district court if the prospective parents are a stepparent or a relative within the fourth degree of consanguinity of the child.

13. A child-placing agency should conduct a pre-placement investigation of a placement it has arranged. The Department of Social Services should conduct all other pre-placement investigations. The district court shall appoint a qualified person to conduct any post-placement investigation.

14. The Department of Social Services should be able to charge a fee of up to \$200 to cover the reasonable costs of any investigation it conducts.

15. A minor person to be adopted should reside with the prospective adoptive parents for a period of six months prior to the issuance of an adoption decree. However, the district court should be able to either waive this period if the prospective adoptive parents are the stepparents or relative within the fourth degree of the child or shorten this period for good cause shown.

16. The criteria under which an investigation under #10 and #11 is to be conducted is set forth in section 15 of the attached bill. However, it should be noted that these investigations should result in a report to be filed with the district court.

17. Independent placements by doctors, lawyers, and clergy of this state should be allowed so long as the criteria for investigation and supervising these placements, as established by the attached bill, are maintained.

18. The person making the pre-placement investigation should collect biological background information.

19. The clerk of the district should make available biological background information on the adopted child to the adopting parents upon request at any time and to the adoptee upon request after reaching majority. Otherwise, court adoption records are to be sealed and the names of the natural parents revealed only to the adoptee for good cause shown if the natural parents have previously consented.

20. The attached bill designates who shall have legal responsibility for the child at all points in the termination and adoption processes. The person taking a release of custody becomes the legal custodian for the child. Upon issuance of a termination order, a guardian is appointed for the child. Upon issuance of an adoption decree, the adopting parents become vested of all rights and duties a natural parent has.

21. The natural parents should have no input into the selection of adopting parents, although they should be permitted to select the person to whom they wish to release their parental rights.

22. Any person, single or married, who has reached the age of majority should be able to adopt another person who is not the spouse of the adopting person.

23. A post-adoption investigation should not be conducted.

24. The attached bill, by a variety of provisions, provides that the rights of the child involved in the adoption process are to be protected to the maximum.

25. The attached bill completely rewrites chapter 600 and sections 232.40 - 232.50 and 238.25 - 238.29 of the Code.

ADOPTION LAWS STUDY COMMITTEE'S
SECOND WORKING BILL DRAFT -
Prepared by the
Legislative Service Bureau

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to termination of parental rights and adoption
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. RULES OF CONSTRUCTION. This
2 Act shall be construed liberally. The welfare of the person
3 to be adopted shall be the paramount consideration in
4 interpreting this Act. However, the interests of the natural
5 parents, the adopting parents, and any other person standing
6 in loco parentis to the person to be adopted shall be given
7 due consideration in such interpretation.

8 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act:

9 1. "Child" means a son or daughter of a parent, whether
10 by birth or adoption.

11 2. "Parent" means a father or mother of a child, whether
12 by birth or adoption.

13 3. "Parent-child relationship" means the relationship
14 between a parent and a child recognized by the law as
15 conferring certain rights and privileges and imposing certain
16 duties. The term extends equally to every child and every
17 parent, regardless of the marital status of the parents of
18 the child.

19 4. "Termination of parental rights" means a complete
20 severance and extinguishment of a parent-child relationship
21 between one or both living parents and the child.

22 5. "Natural parent" means a parent who has been a
23 biological party to the procreation of the child.

24 6. "Stepparent" means a person who is the spouse of a
25 parent in a parent-child relationship, but who is not a parent
26 in that parent-child relationship.

27 7. "Guardian" means a person who is not the parent of
28 a minor child, but who has been appointed by a court or
29 juvenile court having jurisdiction over the minor child to
30 make important decisions which have permanent effect on the
31 life and development of that child and to promote the general
32 welfare of that child. A guardian may be a court or a juvenile
33 court. Guardian does not mean conservator, as defined in
34 section six hundred thirty-three point three (633.3) of the
35 Code, although a person who is appointed to be a guardian

1 may also be appointed to be a conservator.

2 Unless otherwise enlarged or circumscribed by a court or
3 juvenile court having jurisdiction over the minor child or
4 by operation of law, the rights and duties of a guardian with
5 respect to a minor child shall be as follows:

6 a. To consent to marriage, enlistment in the armed forces
7 of the United States, or major medical, psychiatric, or
8 surgical treatment.

9 b. To serve as guardian ad litem, unless the interests
10 of the guardian conflict with the interests of the minor child
11 or unless another person has been appointed guardian ad litem.

12 c. To serve as custodian, unless another person has been
13 appointed custodian.

14 d. To make reasonable visitations if the guardian does
15 not have physical possession or custody of the minor child.

16 e. To consent to adoption and to make any other decision
17 that the parents could have made prior to termination of their
18 parental rights.

19 8. "Custodian" means a stepparent or a relative within
20 the fourth degree of consanguinity to a minor child who has
21 assumed responsibility for that child, a person who has
22 accepted a release of custody, or a person appointed by a
23 court or juvenile court having jurisdiction over a child.
24 The rights and duties of a custodian with respect to a child
25 shall be as follows:

26 a. To maintain or transfer to another the physical
27 possession of that child.

28 b. To protect, train, and discipline that child.

29 c. To provide food, clothing, housing, and ordinary medical
30 care for that child.

31 d. To consent to emergency medical care, including surgery.

32 All rights and duties of a custodian shall be subject to any
33 residual rights and duties remaining in a parent or guardian.

34 e. To sign a release of medical information to a health
35 professional.

1 9. "Guardian ad litem" means a person appointed by a court
2 or juvenile court having jurisdiction over the minor child
3 to represent that child in a legal action or to make other
4 decisions of substantial legal significance concerning that
5 child, not including the power to consent to the adoption
6 of that child.

7 10. "Minor" means an unmarried person who is under the
8 age of eighteen years.

9 11. "Adult" means a person who is married or eighteen
10 years of age or older.

11 12. "Agency" means a child-placing agency as defined in
12 section two hundred thirty-two point eight (232.8) of the
13 Code or the department.

14 13. "Department" means the state department of social
15 services or its subdivisions.

16 14. "Court" means a district or probate court.

17 15. "Juvenile court" means a juvenile court as established
18 under section two hundred thirty-one point one (231.1) of
19 the Code

20 16. "To abandon a minor child" means to absolutely
21 relinquish or surrender, without reference to any particular
22 person, the parental rights, duties, or privileges inherent
23 in the parent-child relationship. The term includes both
24 the intention to abandon and the acts by which the intention
25 is evidenced. The term does not require that the
26 relinquishment or surrender be over a long or any particular
27 period of time.

28 17. "Independent placement" means a placement of a minor
29 child by a person who is not an agency but who is a licensed
30 physician or attorney of this state or a minister of the
31 gospel or priest of any denomination as designated in section
32 six hundred twenty-two point ten (622.10) of the Code in the
33 home of a proposed parent in anticipation of an ensuing
34 adoption.

35 Sec. 3. NEW SECTION. TERMINATION PRIOR TO ADOPTION

1 PETITION. Termination of parental rights of all parents shall
2 be accomplished only according to the provisions of section
3 four (4) through nine (9) of this Act and shall be effectuated
4 prior to the filing of an adoption petition under section
5 ten (10) of this Act. However, this section shall not apply
6 to the parent-child relationship existing between a child
7 and a parent whose spouse is a stepparent of that child or
8 between an adult child and his parents.

9 Sec. 4. NEW SECTION. RELATIONSHIP UNALTERED--RELEASE
10 OF PARENTAL RIGHTS--VOLUNTARINESS OF RELEASE.

11 1. A parent shall not alter the parent-child relationship
12 except as ordered by a juvenile court or court. However,
13 custody of a minor child may be assumed by a stepparent or
14 a relative of that child within the fourth degree of
15 consanguinity or transferred by an acceptance of a release
16 of parental rights. A person who assumes custody or who
17 accepts a release of parental rights under this section
18 becomes, upon assumption or acceptance, the custodian of the
19 minor child.

20 2. A release of parental rights:

21 a. Shall be accepted only by an agency or a person making
22 an independent placement.

23 b. Shall not be accepted by a person who desires to adopt
24 the child who is the subject of the release.

25 c. May have attached to it a waiver of the notice
26 prescribed in section six (6) of this Act if the waiver is
27 written, signed, and acknowledged as the release is required
28 to be.

29 d. Shall be in writing.

30 e. Shall be signed, not less than seventy-two hours after
31 the birth of the child to be released, by any living parent.

32 f. Shall be witnessed by two persons familiar with the
33 parent-child relationship.

34 g. Shall name the person who is accepting the release.

35 3. Notwithstanding the provisions of subsection two (2)

1 of this section, an agency or a person making an independent
2 placement may assume conditional custody of a minor child
3 upon the signature of the one living parent who has possession
4 of the minor child if the agency or a person making an
5 independent placement immediately petitions the juvenile court
6 designated in section five (5) of this Act to be appointed
7 custodian and otherwise petition, within a reasonable time,
8 for termination of parental rights under section five (5)
9 of this Act. Upon the custody petition, the juvenile court
10 may appoint a guardian as well as a custodian. A nonsigning
11 parent may be heard on the custody petition at the hearing
12 on termination of parental rights provided in section six
13 (6) of this Act.

14 4. A parent who signs a release of parental rights may
15 petition, in the time prior to the filing of a petition for
16 termination of parental rights, or may request, at the hearing
17 on termination of parental rights, the juvenile court
18 designated in section five (5) of this Act to order the release
19 revoked because it was not obtained voluntarily or with a
20 full understanding of the material facts. At a hearing on
21 voluntariness of the release, the juvenile court shall consider
22 all relevant factors, including coercion exerted by any person,
23 in determining the voluntariness of the release. The juvenile
24 court shall order a release of parental rights revoked only
25 upon a showing of clear and convincing proof that it should
26 be revoked.

27 Sec. 5. NEW SECTION. PETITION FOR TERMINATION.

28 1. The following persons may petition a juvenile court
29 for termination of parental rights if the child of the parent-
30 child relationship is born or expected to be born within two
31 hundred seventy days of the date of petition filing:

- 32 a. A parent of the parent-child relationship.
33 b. A custodian or guardian of the child.
34 c. Any other person who has knowledge of circumstances
35 indicating that the parent-child relationship should be

1 terminated.

2 2. A petition for termination of parental rights shall
3 be filed with the clerk of the juvenile court in whose
4 jurisdiction the child resides or is domiciled. However,
5 if a juvenile court has made an order pertaining to a minor
6 child under section 232.33 of the Code and that order is still
7 in force, the petition shall be filed with the clerk of that
8 juvenile court.

9 3. A petition for termination of parental rights shall
10 include the following:

11 a. The legal name, age, and residence or location of the
12 child.

13 b. The names and residences of any:

14 (1) Living parents of the child.

15 (2) Guardian of the child.

16 (3) Custodian of the child.

17 (4) Guardian ad litem of the child.

18 (5) Petitioner.

19 (6) Person standing in loco parentis to the child if none
20 of the persons enumerated in subparagraphs one (1) through
21 four (4) of this paragraph can be located.

22 c. A plain statement of the circumstances indicating that
23 the parent-child relationship should be terminated.

24 d. A plain statement explaining why the petitioner does
25 not know any of the information required under paragraphs
26 a and b of this subsection.

27 e. The signature and verification of the petitioner.

28 Sec. 6. NEW SECTION. NOTICE OF TERMINATION HEARING.

29 1. A termination of parental rights shall, unless provided
30 otherwise in this section, be effectuated only after notice
31 has been served on all necessary parties and these parties
32 have been given an opportunity to be heard before the juvenile
33 court. A "necessary party" shall include any person whose
34 name and residence is required to be included on the petition
35 under paragraphs a and b of subsection three (3) of section

1 five (5) of this Act. However, a "necessary party" shall
2 not include a natural parent who has been adjudicated to have
3 raped the other natural parent thereby producing the birth
4 of the child designated in paragraph a of subsection three
5 (3) of section five (5) of this Act.

6 2. Prior to serving notice on the necessary parties, the
7 juvenile court shall appoint a guardian ad litem for a minor
8 child if the child does not have a guardian or guardian ad
9 litem, or if the interests of the guardian or guardian ad
10 litem conflict with the interests of the child. Such guardian
11 ad litem shall be a necessary party under subsection one (1)
12 of this section.

13 3. Notice under this section may be served personally
14 or constructively, as specified under subsections four (4),
15 five (5), and six (6) of this section. Such notice shall
16 include the time, place, and purpose of the hearing on
17 termination of parental rights.

18 4. A necessary party whose identity and location or last
19 location is known shall be served by notice personally
20 delivered or sent by certified mail, whichever is determined
21 to be the most effective means of notification. Such notice
22 shall be made according to the rules of civil procedure
23 relating to an original notice where not inconsistent with
24 the provisions of this section. Notice by personal delivery
25 shall be served not less than seven days prior to the hearing
26 on termination of parental rights. Notice by certified mail
27 shall be sent not less than fourteen days prior to the hearing
28 on termination of parental rights. A notice by certified
29 mail which is refused by the necessary party being noticed
30 shall be sufficient notice to that party under this section.

31 5. A necessary party whose identity is known but whose
32 location or last location is unknown shall be served by
33 published notice. Such notice shall be made according to
34 the rules of civil procedure relating to an original notice
35 where not inconsistent with the provisions of this section.

1 In addition to the requirements of subsection three (3) of
2 this section, such notice shall include only the name of the
3 unlocated necessary party being noticed. Notice by publication
4 shall be published once a week for two consecutive weeks,
5 the last publication to be not less than seven days prior
6 to the hearing on termination of parental rights.

7 6. a. The juvenile court shall require that every
8 reasonable effort is made to identify, locate, and notice
9 an unidentified and unlocated necessary party. If a necessary
10 party who is a natural parent is still not identified after
11 such effort, such necessary party shall be served by the
12 notice prescribed in subsection five (5) of this section.
13 However, such notice shall include, in addition to the
14 requirements of subsection three (3) of this section, only
15 the name of the known necessary party who is a natural parent
16 and the date or anticipated date of the child's birth.

17 b. Notwithstanding paragraph a of this subsection, if
18 upon application to the juvenile court, the juvenile court
19 determines that the notice prescribed in paragraph a of this
20 subsection is not likely to apprise the unidentified necessary
21 party who is a natural parent of the pendency of the
22 termination of parental rights action, then no notice shall
23 be served on such necessary party.

24 7. Proof of service of notice in the manner prescribed
25 shall be filed with the clerk of the juvenile court prior
26 to the hearing on termination of parental rights and approved
27 by the juvenile court prior to issuance of a termination order
28 under section eight (8) of this Act.

29 Sec. 7. NEW SECTION. TERMINATION HEARING--FORUM NON
30 CONVIENS.

31 1. The hearing on termination of parental rights shall
32 be conducted in accordance to the provisions of sections two
33 hundred thirty-two point twenty-seven (232.27), two hundred
34 thirty-two point thirty (232.30), and two hundred thirty-two
35 point thirty-two (232.32) of the Code and otherwise in

1 accordance with the rules of civil procedure. Such hearing
2 shall be held not less than two weeks after the child of the
3 parent-child relationship is born.

4 2. Relevant information, including that contained in
5 reports, studies, or examinations and testified to by
6 interested persons, may be admitted at the hearing and relied
7 upon to the extent of its probative value. When such
8 information is admitted, the person sponsoring it or testifying
9 shall be subject to both direct and cross-examination by a
10 necessary party.

11 3. If the juvenile court finds that in the interest of
12 substantial justice the hearing on termination of parental
13 rights should be heard by another juvenile court, it may
14 transfer, stay, or dismiss the proceedings in whole or part
15 on any conditions that are just so long as a good faith attempt
16 is made to notify all necessary parties.

17 Sec. 8. NEW SECTION. GROUNDS FOR TERMINATION. The
18 juvenile court shall base its findings and order under section
19 nine (9) of this Act on a preponderance of the evidence.
20 The following shall be, either separately or jointly, grounds
21 for ordering termination of parental rights:

22 1. A parent has signed a release of parental rights
23 pursuant to section four (4) of this Act and has not petitioned
24 or requested to revoke that release.

25 2. A parent does not appear at the hearing on termination
26 of parental rights.

27 3. A parent has petitioned for the parent's termination
28 of parental rights pursuant to section five (5) of this Act.

29 4. A parent has abandoned the child.

30 5. A parent has substantially, continuously, or repeatedly
31 refused or neglected to comply with the duties imposed upon
32 that parent by the parent-child relationship.

33 6. A parent is palpably unfit to be a party to the parent-
34 child relationship because of specific conduct before the
35 child, behavior generally, or conditions determined by the

1 juvenile court as likely to be detrimental to the physical
2 or mental health or morals of the child.

3 7. If, following adjudication of neglect or dependency
4 under chapter two hundred thirty-two (232) of the Code,
5 reasonable efforts under the direction of the juvenile court
6 have failed.

7 8. A parent has been ordered to contribute to the support
8 of the child or aid in the child's birth and has failed to
9 do so without good cause. This subsection shall not be
10 construed so as to state a grounds for termination of parental
11 rights of a divorced or separated, noncustodial parent if
12 that parent has not been ordered to or cannot financially
13 contribute to the support of the child or aid in the child's
14 birth.

15 Sec. 9. NEW SECTION. TERMINATION FINDINGS AND ORDER--
16 VACATION OF ORDER.

17 1. Subsequent to the hearing on termination of parental
18 rights, the juvenile court shall make a finding of facts,
19 including a declaration of maternity and paternity, and shall
20 order that either:

21 a. The petition be dismissed;

22 b. The petition should not be granted at that time, but
23 that conditions of neglect and dependency exist, and an order
24 to that effect is issued pursuant to section two hundred
25 thirty-two point thirty-three (232.33) of the Code; or,

26 c. The petition be granted and a guardian, possibly
27 including the juvenile court, and a custodian or a guardian
28 only is appointed.

29 2. If an order is issued under paragraph c of subsection
30 one (1) of this section, the juvenile court shall retain
31 jurisdiction to change a guardian or custodian and to allow
32 a parent to request withdrawal of the petition for termination
33 of parental rights and to vacate the termination order if:

34 a. The child is not on placement for adoption and a
35 petition for adoption of the child is not on file; and,

1 b. The guardian and custodian, if there are both, consents
2 in writing to the withdrawal and vacation.

3 The juvenile court shall grant the withdrawal and vacation
4 request if it is in the best interests of the child.

5 3. A copy of any findings of fact or order made under
6 this section shall be sent by the clerk of the juvenile court
7 to:

8 a. The department.

9 b. The petitioner.

10 c. The parents whose rights have been terminated if they
11 request such a copy.

12 d. Any guardian, custodian, or guardian ad litem of the
13 child.

14 Sec. 10. NEW SECTION. COMMENCEMENT OF ADOPTION ACTION-
15 -JURISDICTION--FORUM NON CONVIENS.

16 1. An action for the adoption of any natural person shall
17 be commenced by the filing of an adoption petition, as pre-
18 scribed in section twelve (12) of this Act, in the court of
19 the county in which an adult person to be adopted or the
20 guardian or custodian of a minor person to be adopted is
21 domiciled or resides or in which the petitioner is domiciled
22 or resides.

23 2. If upon filing of the adoption petition or at any later
24 time in the adoption action the court finds that in the
25 interest of substantial justice the adoption action should
26 be conducted in another court, it may transfer, stay, or
27 dismiss the adoption action on any conditions that are just.

28 Sec. 11. NEW SECTION. QUALIFICATIONS TO FILE ADOPTION
29 PETITION. Any person who may adopt may file an adoption
30 petition under section ten (10) of this Act. The following
31 persons may adopt:

32 1. An unmarried adult.

33 2. A husband and wife together.

34 3. A husband or wife separately if the person to be adopted
35 is not the other spouse and if the adopting spouse:

- 1 a. Is the stepparent of the person to be adopted;
- 2 b. Has been separated from the other spouse by reason
- 3 of the other spouse's abandonment as prescribed in section
- 4 five hundred ninety-seven point ten (597.10) of the Code;
- 5 c. Is unable to petition with the other spouse because
- 6 of the prolonged and unexplained absence, unavailability,
- 7 or incapacity of the other spouse, or because of an
- 8 unreasonable withholding of joinder by the other spouse, as
- 9 determined by the court under subsection seven (7) of section
- 10 twelve (12) of this Act.

11 Sec. 12. NEW SECTION. CONTENTS OF AN ADOPTION PETITION.

12 An adoption petition shall be signed and verified by the
13 petitioner, shall be filed with the clerk of the court
14 designated in section ten (10) of this Act, and shall state:

- 15 1. The name, as it appears on the birth certificate or
- 16 as it appears as a result of marriage, and residence or
- 17 domicile of the person to be adopted.
- 18 2. The date and place of birth of the person to be adopted
- 19 if a birth certificate copy is not attached pursuant to section
- 20 thirteen (13) of this Act.
- 21 3. Any new name requested to be given the person to be
- 22 adopted if the adoption petition is finally granted.
- 23 4. The name, residence, and domicile of any guardian,
- 24 custodian, or guardian ad litem for the person to be adopted.
- 25 5. The name, residence, and domicile of the petitioner,
- 26 if this is not required to be stated under subsection four
- 27 (4) of this section, and the date or expected date on which
- 28 the person to be adopted, if a minor, began or begins living
- 29 with the petitioner.
- 30 6. The name, residence, and domicile of any parent of the
- 31 person to be adopted.
- 32 7. A designation of the particular provision in section
- 33 eleven (11) of this Act under which the petitioner is qualified
- 34 to adopt and, if under paragraph c of subsection three (3)
- 35 of section eleven (11), a request that the court approve the

1 petitioner's qualification to adopt.

2 8. A description and estimate of the value of any property
3 owned by or held for the person to be adopted.

4 9. A description of the facilities and resources, including
5 those provided under a subsidy agreement pursuant to section
6 six hundred point eleven (600.11) through section six hundred
7 point sixteen (600.16) of the Code, that the petitioner is
8 willing and able to supply for the nurture and care of any
9 minor person to be adopted.

10 10. When and where termination of parental rights
11 pertaining to the person to be adopted have occurred, if
12 termination was required under section three (3) of this Act.

13 Sec. 13. NEW SECTION. ATTACHMENTS TO AN ADOPTION PETITION.
14 An adoption petition shall have attached to it the following:

15 1. A certified copy of the birth certificate or
16 verification of birth record of the person to be adopted.

17 2. A copy of any order terminating parental rights with
18 the person to be adopted.

19 3. Any written consent and verified statement required
20 under section fourteen (14) of this Act, except the consent
21 required under paragraph d of subsection one (1) of that
22 section.

23 4. Any pre-placement investigation report that has been
24 prepared at the time of filing pursuant to section fifteen
25 (15) of this Act.

26 Sec. 14. NEW SECTION. CONSENTS TO THE ADOPTION.

27 1. An adoption petition shall not be granted unless the
28 following persons consent to the adoption or unless the court
29 makes a determination under subsection four (4) of this
30 section:

31 a. Any guardian or custodian of the person to be adopted.

32 b. The spouse of a petitioner who is a stepparent.

33 c. The spouse of a petitioner who is separately petitioning
34 to adopt an adult person.

35 d. The person to be adopted if that person is fourteen

1 years of age or older.

2 2. A consent to the adoption shall be in writing, shall
3 name the person to be adopted and the petitioner, shall be
4 signed by the person consenting, and shall be made in the
5 following manner:

6 a. If by the person to be adopted, in the presence of
7 the court in which the adoption petition is filed.

8 b. If by any other person, before a notary public.

9 3. A consent to the adoption may be withdrawn prior to
10 the issuance of an adoption decree under section twenty (20)
11 by the filing of an affidavit of consent withdrawal with the
12 clerk of the court. Such affidavit shall be treated in the
13 same manner as an attached verified statement is treated under
14 subsection four (4) of this section.

15 4. If any person required to consent under this section
16 refuses to or cannot be located to give consent, the petitioner
17 may attach to the petition a verified statement of such refusal
18 or lack of location. The court shall then determine, at the
19 adoption hearing prescribed in section nineteen (19) of this
20 Act, whether, in the best interests of the person to be adopted
21 and the petitioner, any particular consent shall be unnecessary
22 to the granting of an adoption petition.

23 Sec. 15. NEW SECTION. PLACEMENT INVESTIGATIONS AND
24 REPORTS.

25 1. a. A pre-placement investigation shall be directed
26 to and a report of this investigation shall answer the
27 following on forms provided by the department:

28 (1) Whether the home of the adoption petitioner is a
29 suitable one for the placement of the minor person to be
30 adopted.

31 (2) Whether the conditions and antecedents of the minor
32 person to be adopted make that person suitable for placement
33 with the adoption petitioner.

34 (3) How the adoption petitioner's emotional maturity,
35 finances, health, relationships, and any other relevant factor

1 may affect the petitioner's ability to accept, care, and
2 provide the minor person to be adopted with an adequate
3 environment as that person matures.

4 (4) What is the complete family medical history of the
5 person to be adopted, including any known genetic, metabolic,
6 or familial disorders.

7 (5) What is the complete medical and developmental history
8 of the person to be adopted.

9 b. A post-placement investigation and a report of this
10 investigation shall:

11 (1) Verify the allegations of the adoption petition and
12 its attachments and of the report of expenditures required
13 under section sixteen (16) of this Act.

14 (2) Evaluate the progress of the placement of the minor
15 person to be adopted.

16 (3) Determine whether adoption by the adoption petitioner
17 may be in the best interests of the minor person to be adopted.

18 2. a. A pre-placement investigation and report of the
19 investigation shall be completed and the placement approved
20 by the investigator prior to any agency or independent
21 placement of a minor person in a home in anticipation of an
22 ensuing adoption. However, if the adoption petitioner is
23 a stepparent or a relative within the fourth degree of
24 consanguinity who has assumed custody of a minor person to
25 be adopted, a pre-placement investigation of this petitioner
26 and a report of the investigation may be completed at a time
27 established by the court. Also, any investigation and report
28 required under this subsection may be waived by the court
29 if the adoption petitioner is a stepparent or a relative to
30 the person to be adopted within the fourth degree of
31 consanguinity.

32 b. The minimum residence period prescribed in section
33 seventeen (17) of this Act shall not begin running until the
34 pre-placement investigation and its report are completed,
35 approved, and filed with the clerk of the court.

1 c. If an investigator does not approve a placement under
2 paragraph a of this subsection, the persons having been inves-
3 tigated may appeal the disapproval to the court. The court
4 shall order the investigator to show cause why the placement
5 should not be made.

6 3. The agency making an agency placement shall conduct
7 the pre-placement investigation and report required under
8 subsection two (2) of this section. The department shall
9 conduct all other investigations and reports required under
10 subsection two (2) of this section and may charge a fee
11 commensurate with the services rendered of up to two hundred
12 dollars.

13 4. A post-placement investigation and report of the
14 investigation shall be completed and the report filed with
15 the clerk of the court prior to the holding of the adoption
16 hearing prescribed in section nineteen (19) of this Act.
17 The court shall appoint any qualified person to conduct this
18 investigation and report.

19 5. Any investigation or report required under this section
20 shall not apply when the person to be adopted is an adult.

21 6. Any person designated to make an investigation and
22 report under this section may request an agency or state
23 agency, within or without this state, to conduct a portion
24 of the investigation or the report, as may be appropriate,
25 and to file a supplemental report of such investigation or
26 report with the court.

27 7. The department may investigate, on its own initiative
28 or on order of the court, any placement made or adoption
29 petition filed under this Act and may report its resulting
30 recommendation to the court.

31 8. Any person who assists in or impedes the placement
32 or adoption of a minor person in violation of the provisions
33 of this section shall be, upon conviction, guilty of a
34 misdemeanor.

35 Sec. 16. NEW SECTION. REPORT OF EXPENDITURES.

1 1. An adoption petitioner of a minor person shall file
2 with the clerk of the court, prior to the adoption hearing,
3 a full accounting of all disbursements of anything of value
4 paid or agreed to be paid by or on behalf of the petitioner
5 in connection with the petitioned adoption. This accounting
6 shall be made by a report prescribed by the court. The report
7 shall be signed and verified by the petitioner and shall show
8 any expenses incurred in connection with:

9 a. The birth of the minor person to be adopted.

10 b. Placement of the minor person with the adoption
11 petitioner.

12 c. Medical care received by the natural parents or the
13 minor person during the pregnancy or delivery of the minor
14 person.

15 d. Any other services relating to the adoption or to the
16 placement of the minor person which were received by or on
17 behalf of the petitioner, the natural parents, or any other
18 person, including legal fees.

19 The provisions of this subsection do not apply in a stepparent
20 adoption.

21 2. A natural parent shall not receive anything of value
22 as a result of the natural parent's child or former child
23 being placed with and adopted by another person, unless that
24 thing of value is commensurate with some necessary service
25 provided the natural parent in relation to child birth, child
26 raising, or delivering the child for adoption. If the natural
27 parent does receive anything of value, such natural parents
28 shall be, upon conviction, guilty of a misdemeanor.

29 Sec. 17. NEW SECTION. MINIMUM RESIDENCE OF A MINOR CHILD.
30 The adoption of a minor person shall not be decreed until
31 that person has lived with the adoption petitioner for a
32 minimum residence period of one hundred eighty days. However,
33 the court may waive this period if the adoption petitioner
34 is a stepparent or related to the minor person within the
35 fourth degree of consanguinity or may shorten this period

1 upon good cause shown when the court is satisfied that the
2 adoption petitioner and the person to be adopted are suited
3 to each other.

4 Sec. 18. NEW SECTION. NOTICE OF ADOPTION HEARING.

5 1. The court shall set the time and place of the adoption
6 hearing prescribed in section nineteen (19) of this Act upon
7 application of the petitioner. The court may continue the
8 adoption hearing if the notice prescribed in subsections two
9 (2) and three (3) of this section is given, except that such
10 notice shall only be given at least ten days prior to the
11 date which has been set for the continuation of the adoption
12 hearing.

13 2. At least sixty days before the adoption hearing, a
14 copy of the petition and its attachments and a notice of the
15 adoption hearing shall be given by the adoption petitioner
16 to:

17 a. A guardian, guardian ad litem, custodian, and parent
18 of the person to be adopted.

19 b. The person to be adopted who is an adult.

20 c. The department.

21 d. Any person who is designated to make an investigation
22 and report under section fifteen (15) of this Act.

23 e. Any other person who is required to consent under
24 section fourteen (14) of this Act.

25 3. A notice of the adoption hearing shall state the time,
26 place, and purpose of the hearing and shall be given according
27 to the appropriate rules of civil procedure. Proof of the
28 giving of notice shall be filed with the clerk of the court
29 prior to the adoption hearing and approved by the court prior
30 to issuance of an adoption decree under section twenty (20)
31 of this Act.

32 Sec. 19. NEW SECTION. ADOPTION HEARING.

33 1. An adoption hearing shall be conducted informally as
34 a hearing in equity. The hearing shall be reported.

35 2. Only those persons notified under section eighteen

(18) of this Act and their witnesses and legal counsel or persons requested by the court to be present shall be admitted to the court chambers while an adoption hearing is being conducted. The adoption petitioner and the person to be adopted shall be present at the hearing, unless the presence of either is excused by the court.

3. Any person admitted to the hearing shall be heard and allowed to present evidence upon request and according to the manner in which the court conducts the hearing.

Sec. 20. NEW SECTION. ADOPTION DECREES.

1. At the conclusion of the adoption hearing, the court either shall:

- a. Issue a final adoption decree;
- b. Issue an interlocutory adoption decree; or,
- c. Dismiss the adoption petition if the requirements of this Act have not been met or if it is in the best interests of the person petitioned to be adopted to dismiss. Upon dismissal, the court shall determine who is to be guardian or custodian of a minor child, including the adoption petitioner if it is in the best interest of the minor person petitioned to be adopted.

2. An interlocutory adoption decree automatically becomes a final adoption decree at a date specified by the court in the interlocutory adoption decree if the date so specified is not less than one hundred eighty days nor more than three hundred sixty days from the date the interlocutory decree is issued. However, an interlocutory adoption decree may be vacated sooner than the date specified in it by the court for good cause shown. Also, the court may provide in the interlocutory adoption decree for further observation, investigation, and report of the conditions of and the relationships between the adoption petitioner and the person petitioned to be adopted.

3. Except as enumerated in subsection two (2) of this section, an interlocutory adoption decree shall have the same

1 legal effect as a final adoption decree. If an interlocutory
2 adoption decree is vacated under subsection two (2) of this
3 section, it shall be void from the date of issuance and the
4 rights, duties, and liabilities of all persons affected by
5 it shall, unless they have become vested, be governed
6 accordingly. Upon vacation of an interlocutory adoption
7 decree, the court shall proceed under the provisions of
8 paragraph c of subsection one (1) of this section.

9 4. A final adoption decree terminates any parental rights,
10 except those of a spouse of the adoption petitioner, existing
11 at the time of its issuance and establishes the parent-child
12 relationship between the adoption petitioner and the person
13 petitioned to be adopted. Unless otherwise specified by law,
14 such parent-child relationship shall be deemed to have been
15 created at the birth of the child. However, regardless of
16 the parent-child relationship established by a final adoption
17 decree and of the provisions of section six hundred thirty-
18 three point two hundred twenty-three (633.233) of the Code,
19 if a parent of a child dies and the child is then adopted
20 by a stepparent, the child's right of inheritance from and
21 through the deceased parent is unaffected by an interlocutory
22 or final adoption decree.

23 5. An interlocutory and a final adoption decree shall
24 be entered with the clerk of the court. Such decree shall
25 set forth any facts of the adoption petition which have been
26 proven to the satisfaction of the court and any other facts
27 considered to be relevant by the court and shall grant the
28 adoption petition. If so designated in the adoption decree,
29 the name of the child shall be changed by issuance of that
30 decree. The clerk of the court shall, within thirty days
31 of issuance, deliver one certified copy of any adoption
32 decree to the petitioner, one copy of any adoption abstract
33 to the department, and one file-marked copy of the adoption
34 decree to the state registrar of vital statistics. Upon
35 receipt of a file-marked copy of an adoption decree, the state

1 registrar shall, as soon as possible, deliver to the parents
2 named in the decree and any adult person adopted by the decree
3 a copy of the amended birth certificate. If the person adopted
4 was born outside the state, the state registrar shall forward
5 the adoption decree to the appropriate agency in the state
6 of birth. A certified copy of any interlocutory adoption
7 decree vacation shall be delivered in the same manner as an
8 adoption decree is delivered.

9 Sec. 21. NEW SECTION. APPEAL. An appeal from any final
10 order or decree rendered under this Act shall be taken in
11 the same manner as an appeal is taken from a final judgment
12 under the rules of civil procedure. However, a rule of civil
13 procedure provision regarding a minimum amount of value in
14 controversy shall not bar an adoption appeal as a matter of
15 right. The supreme court shall review an adoption appeal
16 de novo and shall base its decision on the consideration of
17 how the interests of the person to be adopted will best be
18 served.

19 Sec. 22. NEW SECTION. FOREIGN AND INTERNATIONAL ADOPTIONS.

20 1. A decree terminating a parent-child relationship or
21 establishing a parent-child relationship by adoption which
22 is issued pursuant to due process of law by a court of any
23 other jurisdiction, whether within or without the United
24 States, shall be recognized in this state.

25 2. The department may provide necessary assistance to
26 an eligible citizen of Iowa who desires to, in accordance
27 with the immigration laws of the United States, make an
28 international adoption.

29 3. Any rules of the department relating to placement of
30 a minor child for adoption which are more restrictive than
31 comparable rules of international agencies and laws of the
32 United States shall not be enforced by the department in an
33 international adoption.

34 Sec. 23. NEW SECTION. ADOPTION RECORD.

35 1. Any information compiled under subparagraphs four (4)

1 and five (5) of paragraph a of subsection one (1) of section
2 fifteen (15) of this Act shall be made available at any time
3 by the clerk of the court to the adopting parents.

4 2. The permanent adoption record of the court shall be
5 sealed by the clerk of court when it is complete and after
6 the time for appeal has expired. All papers and records
7 pertaining to an adoption, whether a part of the permanent
8 adoption records of the court or on file with a guardian,
9 guardian ad litem, custodian, person who placed a minor person,
10 or the department shall not be open to inspection. However,
11 the clerk of the court may open the permanent adoption record
12 of the court for the adopted person who is an adult and reveal
13 the names of the natural parents if the natural parents have
14 filed an affidavit requesting such revelation and if upon
15 application to the court for good cause shown. To facilitate
16 the natural parents in filing such affidavit, the person who
17 placed the child of the natural parent must reveal the court
18 in which the adoption records have been sealed.

19 3. Any person, other than the adopting parents or the
20 adopted person, who discloses information in violation of
21 the provisions of this section shall be, upon conviction,
22 guilty of a misdemeanor.

23 Sec. 24. Any termination of parental rights or adoption
24 proceedings pending on the effective date of this Act shall
25 not be affected by the provisions of this Act. Any action
26 to set aside an adoption decree which was entered prior to
27 the effective date of this Act must be commenced within one
28 year after that date or be forever barred.

29 Sec. 25. Section two hundred thirty-one point three
30 (231.3), unnumbered paragraph two (2), Code 1975, is amended
31 to read as follows:

32 The judge of the juvenile court may appoint a referee in
33 juvenile court proceedings. The referee shall be qualified
34 for his duties by training and experience and shall hold
35 office at the pleasure of the judge. The compensation of

1 the referee shall be fixed by the judge. The judge may direct
2 that any case or class of cases arising under chapter 232
3 or sections three (3) through nine (9) of this Act shall be
4 heard in the first instance by the referee in the manner
5 provided for the hearing of cases by the court.

6 Sec. 26. Section two hundred thirty-two point two (232.2),
7 subsections eight (8) and nine (9), Code 1975, is amended
8 by striking the subsections and inserting in lieu thereof
9 the following:

10 8. "Guardian" means guardian as defined in subsection
11 seven (7) of section two (2) of this Act.

12 9. "Custodian" means custodian as defined in subsection
13 eight (8) of section two (2) of this Act.

14 Sec. 27. Section two hundred thirty-two point twelve
15 (232.12), Code 1975, is amended to read as follows:

16 232.12 OTHER ISSUES ADJUDICATED. When it appears during
17 the course of any trial, hearing, or proceeding that some
18 action or remedy other than or in addition to those indicated
19 by the application or pleadings appears appropriate, the court
20 may, provided all necessary parties consent, proceed to hear
21 and determine the additional or other issues as though
22 originally properly sought and pleaded. However, if
23 termination of parental rights appears to be the appropriate
24 action or remedy, the provisions of sections three (3) through
25 nine (9) of this Act must be followed.

26 Sec. 28. Section two hundred thirty-two point twenty-seven
27 (232.27), Code 1975, is amended to read as follows:

28 232.27 HEARINGS TO COURT. Hearings on any matter shall
29 be without a jury and may be conducted in an informal manner.
30 Hearings may be continued from time to time and in the interim
31 the court may make such orders as it deems in the best
32 interests of the child. The court shall exclude the general
33 public from hearings and shall admit the news media, except
34 in those cases which in the opinion of the court the best
35 interest of the child and the public are served by a private

1 hearing. The court shall also admit those persons who in
2 the discretion of the court have a direct interest in the
3 case or in the work of the court; except that if the hearing
4 involves a child charged by information or indictment with
5 the commission of a felony, persons having a legitimate
6 interest in the proceedings, including responsible
7 representatives of public information media, shall not be
8 excluded from such hearings. The court may require the
9 presence of witnesses deemed necessary to the disposition
10 of the petition. ~~Adeoption-hearings-shall-be-conducted-in~~
11 ~~accordance-with-the-provisions-of-laws-relating-to-adeoption.~~

12 Sec. 29. Section two hundred thirty-two point twenty-nine
13 (232.29), Code 1975, is amended to read as follows:

14 232.29 COUNTY ATTORNEY TO PRESENT EVIDENCE. The county
15 attorney shall present the evidence upon request of the court
16 in all proceedings ~~except-adeptions.~~

17 Sec. 30. Section two hundred thirty-two point thirty-six
18 (232.36), Code 1975, is amended to read as follows:

19 232.36 ORDERS CONTINUE TO MAJORITY OF CHILD. All orders
20 for supervision, custody, or commitment shall be enforced
21 until the minor reaches the age of eighteen years unless
22 otherwise specified by the court. All orders shall be reviewed
23 by the court at least annually unless the court's jurisdiction
24 has been terminated. The court may make on its own motion
25 or on the motion of an interested party and after notice to
26 the parties and a hearing some other disposition of the case
27 so long as the court retains jurisdiction. However, if
28 termination of parental rights is utilized as another
29 disposition of the case, the provisions of sections three
30 (3) through nine (9) of this Act must be followed.

31 Sec. 31. Section two hundred thirty-two point fifty-one
32 (232.51), unnumbered paragraph one (1), Code 1975, is amended
33 to read as follows:

34 Whenever legal custody of a minor is transferred by the
35 court or whenever the minor is placed by the court with someone

1 other than the parents or whenever a minor is given physical
2 or mental examinations or treatment under order of the court
3 and no provision is otherwise made by law for payment for
4 the care, examination, or treatment of the minor, the costs
5 shall be charged upon the funds of the county in which the
6 proceedings are held upon certification of the judge to the
7 board of supervisors. ~~Except where the parent-child relation-~~
8 ~~ship is terminated, the~~ The court may inquire into the ability
9 of the parents to support the minor and after giving the
10 parents a reasonable opportunity to be heard may order the
11 parents to pay in the manner and to whom the court may direct,
12 such sums as will cover in whole or in part the cost of care,
13 examination, or treatment of the minor. If the parents fail
14 to pay the sum without good reason, the parents may be
15 proceeded against for contempt or the court may inform the
16 county attorney who shall proceed against the parents to
17 collect the unpaid sums or both.

18 Sec. 32. Section two hundred thirty-two point sixty-three
19 (232.63), Code 1975, is amended to read as follows:

20 232.63 WHEN JURISDICTION IS EXCLUSIVE. The juvenile court
21 shall have exclusive original jurisdiction, only, in
22 proceedings concerning any child alleged to be delinquent,
23 neglected, or dependent, and in proceedings for termination
24 of parental rights under sections ~~232.44 through 232.50~~ three
25 (3) through nine (9) of this Act, and in proceedings concerning
26 any minor alleged to have been a delinquent prior to having
27 become eighteen years of age except as otherwise provided
28 by law.

29 Sec. 33. Section two hundred thirty-five point three
30 (235.3), subsection three (3), Code 1975, is amended to read
31 as follows:

32 3. Make such rules and regulations as may be necessary
33 or advisable for the supervision of the private child-caring
34 agencies or officers thereof which the state director is
35 empowered to license, inspect and supervise, ~~which rules and~~

1 regulations-shall-provide-that-in-dealing-with-any-child,
2 any-officer,-employee-or-agency-so-dealing-shall-take-into
3 consideration-the-religious-faith-or-affiliations-of-the-child
4 or-its-parents,-and-that-in-placing-such-child-it-shall-be,
5 as-far-as-practicable,-placed-in-the-home-or-the-care-and
6 custody-of-some-person-holding-the-same-religious-faith-as
7 the-parents-of-such-child,-or-with-or-through-some-agency
8 or-institution-controlled-by-persons-of-like-religious-faith
9 with-the-parents-of-said-child.

10 Sec. 34. Section two hundred thirty-eight point twenty-
11 four (238.24), unnumbered paragraph two (2), Code 1975, is
12 amended to read as follows:

13 Nothing herein shall prohibit the state director from
14 disclosing such facts to such proper persons as may be in
15 the interest of a child cared for by such agency or in the
16 interest of the child's parents or foster parents and not
17 inimical to the child, or as may be necessary to protect the
18 interests of the child's prospective foster parents. However,
19 disclosure of adoption records shall be governed by the
20 provisions of section twenty-three (23) of this Act.

21 Sec. 35. Section two hundred thirty-eight point thirty-
22 two (238.32), subsection one (1), is amended to read as
23 follows:

24 1. Receive neglected, dependent, or delinquent children
25 who are under eighteen years of age, under commitment from
26 the juvenile court, and control and dispose of them subject
27 to the provisions of chapter 232 and of this Act.

28 Sec. 36. Sections two hundred thirty-two point forty
29 (232.40) through two hundred thirty-two point fifty (232.50),
30 inclusive, section two hundred thirty-two point sixty (232.60),
31 and sections two hundred thirty-eight point twenty-five
32 (238.25) through two hundred thirty-eight point twenty-nine
33 (238.29), inclusive, Code 1975, are repealed.

34 Sec. 37. Section six hundred point one (600.1) through
35 six hundred point ten (600.10), inclusive, Code 1975, are

1 amended by striking the sections and inserting in lieu thereof
2 sections one (1) through twenty-three (23), inclusive, of
3 this Act.
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