



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

March 18, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2176, an Act relating to abandonment of a child as grounds for termination of parental rights.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2176

AN ACT

RELATING TO ABANDONMENT OF A CHILD AS GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.

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

Section 1. Section 600A.8, subsection 3, Code 2003, is amended by striking the subsection.

Sec. 2. Section 600A.8, subsection 4, Code 2003, is amended to read as follows:

~~4. 3. If the termination of parental rights relates to a putative father and the putative father~~ The parent has abandoned the child. For the purposes of this subsection, a ~~putative father~~ parent is deemed to have abandoned a child as follows:

a. (1) If the child is less than six months of age when the termination hearing is held, a ~~putative father~~ parent is deemed to have abandoned the child unless the ~~putative father~~ parent does all of the following:

(a) Demonstrates a willingness to assume custody of the child rather than merely objecting to the termination of parental rights.

(b) Takes prompt action to establish a parental relationship with the child.

(c) Demonstrates, through actions, a commitment to the child.

(2) In determining whether the requirements of this paragraph are met, the court may consider all of the following:

(a) The fitness and ability of the ~~putative father~~ parent in personally assuming custody of the child, including a

personal and financial commitment which is timely demonstrated.

(b) Whether efforts made by the ~~putative-father~~ parent in personally assuming custody of the child are substantial enough to evince a settled purpose to personally assume all parental duties.

(c) ~~Whether~~ With regard to a putative father, whether the putative father publicly acknowledged paternity or held himself out to be the father of the child during the six continuing months immediately prior to the termination proceeding.

(d) ~~Whether~~ With regard to a putative father, whether the putative father paid a fair and reasonable sum, in accordance with the putative father's means, for medical, hospital, and nursing expenses incurred in connection with the mother's pregnancy or with the birth of the child, or whether the putative father demonstrated emotional support as evidenced by the putative father's conduct toward the mother.

(e) Any measures taken by the ~~putative-father~~ parent to establish legal responsibility for the child.

(f) Any other factors evincing a commitment to the child.

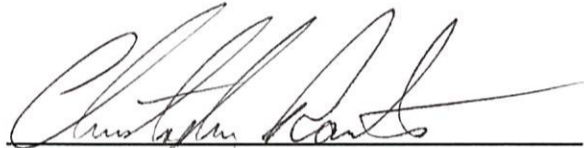
b. If the child is six months of age or older when the termination hearing is held, a ~~putative-father~~ parent is deemed to have abandoned the child unless the ~~putative-father~~ parent maintains substantial and continuous or repeated contact with the child as demonstrated by contribution toward support of the child of a reasonable amount, according to the ~~putative-father's~~ parent's means, and as demonstrated by any of the following:

(1) Visiting the child at least monthly when physically and financially able to do so and when not prevented from doing so by the person having lawful custody of the child.

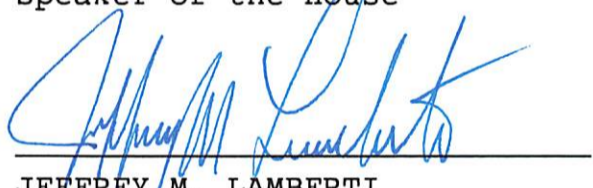
(2) Regular communication with the child or with the person having the care or custody of the child, when physically and financially unable to visit the child or when prevented from visiting the child by the person having lawful custody of the child.

(3) Openly living with the child for a period of six months within the one-year period immediately preceding the termination of parental rights hearing and during that period openly holding himself or herself out to be the ~~father~~ parent of the child.

c. The subjective intent of the putative-father parent, whether expressed or otherwise, unsupported by evidence of acts specified in paragraph "a" or "b" manifesting such intent, does not preclude a determination that the putative father parent has abandoned the child. In making a determination, the court shall not require a showing of diligent efforts by any person to encourage the putative father parent to perform the acts specified in paragraph "a" or "b". In making a determination regarding a putative father, the court may consider the conduct of the putative father toward the child's mother during the pregnancy. Demonstration of a commitment to the child is not met by the putative father marrying the mother of the child after adoption of the child.




CHRISTOPHER C. RANTS
Speaker of the House



JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2176, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved March 18, 2004



THOMAS J. VILSACK
Governor