

APR 3 1975

Place On Calendar

Reprinted

HOUSE FILE

614

By COMMITTEE ON HUMAN RESOURCES

Passed House, Date 4-10-75 (1975) Passed Senate, Date _____

Vote: Ayes 93 Nays 0 Vote: Ayes _____ Nays _____

Approved June 28, 1976

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

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

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.

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

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

8 12. "Agency" means a child-placing agency as defined in
9 section two hundred thirty-eight point two (238.2) of the
10 Code or the department.

11 13. "Department" means the state department of social
12 services or its subdivisions.

13 14. "Court" means a district court.

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

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

25 17. "Independent placement" means a placement of a minor
26 person in the home of a proposed parent in anticipation of
27 an ensuing adoption by a person who is not an agency.

28 18. "Investigator" means a natural person who is certified
29 by the department as being capable of conducting a placement
30 investigation under section fifteen (15) of this Act.

31 Sec. 3. NEW SECTION. TERMINATION PRIOR TO ADOPTION
32 PETITION.

33 1. Termination of parental rights of all parents shall
34 be accomplished only according to the provisions of section
35 four (4) through nine (9) of this Act and shall be effectuated

1 prior to the filing of an adoption petition under section
2 ten (10) of this Act. However, when placement of a minor
3 person in the home of a proposed parent in anticipation of
4 an ensuing adoption is made within thirty days of the birth
5 of the minor person, such placement shall be made pursuant
6 to section fifteen (15) of this Act and only after termination
7 of parental rights is effectuated pursuant to sections four
8 (4) through nine (9) of this Act.

9 2. Notwithstanding the provisions of subsection one (1)
10 of this section, this section shall not apply to the parent-
11 child relationship existing between a child and a parent whose
12 spouse is a stepparent of that child or between an adult child
13 and his parents.

14 Sec. 4. NEW SECTION. RELATIONSHIP UNALTERED--RELEASE
15 OF CUSTODY--VOLUNTARINESS OF RELEASE.

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

24 2. A release of custody:

25 a. Shall be accepted only by an agency or a person making
26 an independent placement.

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

29 c. May have attached to it a waiver of the notice
30 prescribed in section six (6) of this Act if the waiver is
31 written, signed, and witnessed as the release is required
32 to be.

33 d. Shall be in writing.

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

1 f. Shall be witnessed by two persons familiar with the
2 parent-child relationship.

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

4 h. Shall be followed, within a reasonable time, by the
5 filing of a petition for termination of parental rights under
6 section five (5) of this Act.

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

21 4. A parent who signs a release of custody may petition,
22 in the time prior to the filing of a petition for termination
23 of parental rights, or may request, at the hearing on
24 termination of parental rights, the juvenile court designated
25 in section five (5) of this Act to order the release revoked
26 for good cause shown or because it was not obtained voluntarily
27 or with a full understanding of the material facts. At a
28 hearing on voluntariness of the release, the juvenile court
29 shall consider all relevant factors, including coercion exerted
30 by any person, in determining the voluntariness of the release.

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

32 1. The following persons may petition a juvenile court
33 for termination of parental rights if the child of the parent-
34 child relationship is born or expected to be born within one
35 hundred eighty days of the date of petition filing:

- 1 a. A parent of the parent-child relationship.
2 b. A custodian or guardian of the child.
3 c. Any other person who has knowledge of circumstances
4 indicating that the parent-child relationship should be
5 terminated.

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

13 3. A petition for termination of parental rights shall
14 include the following:

15 a. The legal name, age, and residence or location of the
16 child.

17 b. The names, residences, and domicile of any:

- 18 (1) Living parents of the child.
19 (2) Guardian of the child.
20 (3) Custodian of the child.
21 (4) Guardian ad litem of the child.
22 (5) Petitioner.
23 (6) Person standing in loco parentis to the child.

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

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

29 e. The signature and verification of the petitioner.

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

31 1. A termination of parental rights shall, unless provided
32 otherwise in this section, be effectuated only after notice
33 has been served on all necessary parties and these parties
34 have been given an opportunity to be heard before the juvenile
35 court. A "necessary party" shall include any person whose

1 name, residence, and domicile is required to be included on
2 the petition under paragraphs a and b of subsection three
3 (3) of section five (5) of this Act. However, a "necessary
4 party" shall not include a natural parent who has been
5 adjudicated to have raped the other natural parent thereby
6 producing the birth of the child designated in paragraph a
7 of subsection three (3) of section five (5) of this Act.

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

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

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

33 5. A necessary party whose identity is known but whose
34 location or last location is unknown shall be served by
35 published notice. Such notice shall be served according to

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

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

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

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

31 Sec. 7. NEW SECTION. TERMINATION HEARING--FORUM NON
32 CONVIENS.

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

1 thirty-two point twenty-eight (232.28), two hundred thirty-
2 two point thirty (232.30), and two hundred thirty-two point
3 thirty-two (232.32) of the Code and otherwise in accordance
4 with the rules of civil procedure. Such hearing shall be
5 held not less than one week after the child of the parent-
6 child relationship is born.

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

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

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

25 1. A parent has signed a release of custody pursuant to
26 section four (4) of this Act and has not petitioned or
27 requested to revoke that release.

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

30 3. A parent has abandoned the child.

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

34 5. A parent is palpably unfit to be a party to the parent-
35 child relationship because of specific conduct before the

1 child, behavior generally, or conditions determined by the
2 juvenile court as likely to be detrimental to the physical
3 or mental health or morals of the child.

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

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

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

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

22 a. The petition be dismissed;

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

27 c. The petition be granted and a guardian and a custodian
28 or a guardian 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 terminated parent to request vacation of the termination
33 order if:

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

1 b. The guardian consents in writing to the vacation.
2 The juvenile court shall grant the vacation request if it
3 is in the best interests of the child.

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

7 a. The department.

8 b. The petitioner.

9 c. The parents whose rights have been terminated.

10 d. Any guardian, custodian, or guardian ad litem of the
11 child.

12 Sec. 10. NEW SECTION. COMMENCEMENT OF ADOPTION ACTION--
13 --JURISDICTION--FORUM NON CONVIENS.

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

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

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

30 1. An unmarried adult.

31 2. A husband and wife together.

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

34 a. Is the stepparent of the person to be adopted;

35 b. Has been separated from the other spouse by reason

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

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

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

13 1. The name, as it appears on the birth certificate or
14 as it appears as a result of marriage, and residence or
15 domicile of the person to be adopted.

16 2. The date and place of birth of the person to be adopted.

17 3. Any new name requested to be given the person to be
18 adopted if the adoption petition is finally granted.

19 4. The name, residence, and domicile of any guardian,
20 custodian, or guardian ad litem for the person to be adopted.

21 5. The name, residence, and domicile of the petitioner,
22 if this is not required to be stated under subsection four
23 (4) of this section, and the date or expected date on which
24 the person to be adopted, if a minor, began or begins living
25 with the petitioner.

26 6. The name, residence, and domicile of any parent of
27 the person to be adopted.

28 7. A designation of the particular provision in section
29 eleven (11) of this Act under which the petitioner is qualified
30 to adopt and, if under paragraph c of subsection three (3)
31 of section eleven (11), a request that the court approve the
32 petitioner's qualification to adopt.

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

35 9. A description of the facilities and resources, including

1 those provided under a subsidy agreement pursuant to section
2 six hundred point eleven (600.11) through section six hundred
3 point sixteen (600.16) of the Code, that the petitioner is
4 willing and able to supply for the nurture and care of any
5 minor person to be adopted.

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

9 Sec. 13. NEW SECTION. ATTACHMENTS TO AN ADOPTION PETITION.

10 An adoption petition shall have attached to it the following:

- 11 1. A certified copy of the birth certificate showing
- 12 parentage of the person to be adopted.
- 13 2. A copy of any order terminating parental rights with
- 14 respect to the person to be adopted.
- 15 3. Any written consent and verified statement required
- 16 under section fourteen (14) of this Act, except the consent
- 17 required under paragraph d of subsection one (1) of that
- 18 section.
- 19 4. Any pre-placement investigation report that has been
- 20 prepared at the time of filing pursuant to section fifteen
- 21 (15) of this Act.

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

23 1. An adoption petition shall not be granted unless the
24 following persons consent to the adoption or unless the court
25 makes a determination under subsection four (4) of this
26 section:

- 27 a. Any guardian of the person to be adopted.
- 28 b. The spouse of a petitioner who is a stepparent.
- 29 c. The spouse of a petitioner who is separately petitioning
- 30 to adopt an adult person.
- 31 d. The person to be adopted if that person is fourteen
- 32 years of age or older.

33 2. A consent to the adoption shall be in writing, shall
34 name the person to be adopted and the petitioner, shall be
35 signed by the person consenting, and shall be made in the

1 following manner:

2 a. If by any minor person to be adopted who is fourteen
3 years of age or older, in the presence of the court in which
4 the adoption petition is filed.

5 b. If by any adult person to be adopted, either in the
6 presence of the court in which the adoption petition is filed
7 or before a notary public.

8 c. 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) How the adoption petitioner's emotional maturity,
32 finances, health, relationships, and any other relevant factor
33 may affect the petitioner's ability to accept, care, and
34 provide the minor person to be adopted with an adequate
35 environment as that person matures.

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

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

6 b. A post-placement investigation and a report of this
7 investigation shall:

8 (1) Verify the allegations of the adoption petition and
9 its attachments and of the report of expenditures required
10 under section sixteen (16) of this Act.

11 (2) Evaluate the progress of the placement of the minor
12 person to be adopted.

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

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

29 b. If the person making the investigation does not approve
30 a placement under paragraph a of this subsection, the persons
31 investigated may appeal the disapproval as a contested case
32 to the commissioner of social services. Judicial review of
33 any adverse decision by the commissioner may be sought pursuant
34 to chapter seventeen A (17A) of the Code.

35 3. The agency making an agency placement shall conduct

1 the pre-placement investigation and report required under
2 subsection two (2) of this section. The department or an
3 investigator shall conduct all other investigations and reports
4 required under subsection two (2) of this section.

5 4. A post-placement investigation and report of the
6 investigation shall be completed and the report filed with
7 the clerk of the court prior to the holding of the adoption
8 hearing prescribed in section nineteen (19) of this Act.
9 The court shall appoint the department, an agency, or an
10 investigator to conduct this investigation and report.

11 5. Any person conducting an investigation under subsections
12 three (3) and four (4) may charge a fee which does not exceed
13 the reasonable cost of the services rendered and which is
14 based on a sliding scale schedule relating to the investigated
15 person's ability to pay.

16 6. Any investigation or report required under this section
17 shall not apply when the person to be adopted is an adult.

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

24 8. The department may investigate, on its own initiative
25 or on order of the court, any placement made or adoption
26 petition filed under this Act and may report its resulting
27 recommendation to the court.

28 9. The department or an agency may conduct any
29 investigations required for an interstate or interagency
30 placement.

31 10. 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 any thing 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 childbirth, child
26 raising, or delivering the child for adoption. Any person
27 assisting in any way with the placement or adoption of a minor
28 person shall not charge a fee which is more than usual,
29 necessary, and commensurate with the services rendered. If
30 the natural parent receives any prohibited thing of value,
31 if a person gives a prohibited thing of value, or if a person
32 charges a prohibited fee under this subsection, each such
33 person shall be, upon conviction, guilty of a misdemeanor.

34 Sec. 17. NEW SECTION. MINIMUM RESIDENCE OF A MINOR CHILD.
35 The adoption of a minor person shall not be decreed until

1 that person has lived with the adoption petitioner for a
2 minimum residence period of one hundred eighty days. However,
3 the court may waive this period if the adoption petitioner
4 is a stepparent or related to the minor person within the
5 fourth degree of consanguinity or may shorten this period
6 upon good cause shown when the court is satisfied that the
7 adoption petitioner and the person to be adopted are suited
8 to each other.

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

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

18 2. At least sixty days before the adoption hearing, a
19 copy of the petition and its attachments and a notice of the
20 adoption hearing shall be given by the adoption petitioner
21 to:

22 a. A guardian, guardian ad litem, custodian, and any
23 parent of the person to be adopted.

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

25 c. The department.

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

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

30 3. A notice of the adoption hearing shall state the time,
31 place, and purpose of the hearing and shall be given according
32 to the appropriate rules of civil procedure. Proof of the
33 giving of notice shall be filed with the clerk of the court
34 prior to the adoption hearing and approved by the court prior
35 to issuance of an adoption decree under section twenty (20)

1 of this Act.

2 Sec. 19. NEW SECTION. ADOPTION HEARING.

3 1. An adoption hearing shall be conducted informally as
4 a hearing in equity. The hearing shall be reported.

5 2. Only those persons notified under section eighteen
6 (18) of this Act and their witnesses and legal counsel or
7 persons requested by the court to be present shall be admitted
8 to the court chambers while an adoption hearing is being
9 conducted. The adoption petitioner and the person to be
10 adopted shall be present at the hearing, unless the presence
11 of either is excused by the court.

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

15 Sec. 20. NEW SECTION. ADOPTION DECREES.

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

18 a. Issue a final adoption decree;

19 b. Issue an interlocutory adoption decree; or,

20 c. Dismiss the adoption petition if the requirements of
21 this Act have not been met or if dismissal of the adoption
22 petition is in the best interests of the person whose adoption
23 has been petitioned. Upon dismissal, the court shall determine
24 who is to be guardian or custodian of a minor child, including
25 the adoption petitioner if it is in the best interest of the
26 minor person whose adoption has been petitioned.

27 2. An interlocutory adoption decree automatically becomes
28 a final adoption decree at a date specified by the court in
29 the interlocutory adoption decree which date shall not be
30 less than one hundred eighty days nor more than three hundred
31 sixty days from the date the interlocutory decree is issued.
32 However, an interlocutory adoption decree may be vacated
33 sooner than the date specified in it by the court for good
34 cause shown. Also, the court may provide in the interlocutory
35 adoption decree for further observation, investigation, and

1 report of the conditions of and the relationships between
2 the adoption petitioner and the person petitioned to be
3 adopted.

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

14 4. A final adoption decree terminates any parental rights,
15 except those of a spouse of the adoption petitioner, existing
16 at the time of its issuance and establishes the parent-child
17 relationship between the adoption petitioner and the person
18 petitioned to be adopted. Unless otherwise specified by law,
19 such parent-child relationship shall be deemed to have been
20 created at the birth of the child. However, regardless of
21 the parent-child relationship established by a final adoption
22 decree and of the provisions of section six hundred thirty-
23 three point two hundred twenty-three (633.223) of the Code,
24 if a parent of a child dies and the child is then adopted,
25 the child's right of inheritance from and through the deceased
26 parent is unaffected by an interlocutory or final adoption
27 decree.

28 5. An interlocutory or a final adoption decree shall be
29 entered with the clerk of the court. Such decree shall set
30 forth any facts of the adoption petition which have been
31 proven to the satisfaction of the court and any other facts
32 considered to be relevant by the court and shall grant the
33 adoption petition. If so designated in the adoption decree,
34 the name of the adopted person shall be changed by issuance
35 of that decree. The clerk of the court shall, within thirty

1 days of issuance, deliver one certified copy of any adoption
2 decree to the petitioner, one copy of any adoption abstract
3 to the department and any agency or person making an
4 independent placement who placed a minor person for adoption,
5 and one certification of adption as prescribed in section
6 one hundred forty-four point nineteen (144.19) of the Code
7 to the state registrar of vital statistics. Upon receipt
8 of the certification, the state registrar shall, as soon as
9 possible, prepare a new birth certificate pursuant to section
10 one hundred forty-four point twenty-three (144.23) of the
11 Code and deliver to the parents named in the decree and any
12 adult person adopted by the decree a copy of the new birth
13 certificate. The parents shall pay the fee prescribed in
14 section one hundred forty-four point forty-six (144.46) of
15 the Code. If the person adopted was born outside the state,
16 the state registrar shall forward the adoption decree to the
17 appropriate agency in the state of birth. A copy of any
18 interlocutory adoption decree vacation shall be delivered
19 and another birth certificate shall be prepared in the same
20 manner as an adoption decree is delivered and the birth
21 certificate was originally prepared.

22 Sec. 21. NEW SECTION. APPEAL. An appeal from any final
23 order or decree rendered under this Act shall be taken in
24 the same manner as an appeal is taken from a final judgment
25 under the rules of civil procedure. However, a rule of civil
26 procedure provision regarding a minimum amount of value in
27 controversy shall not bar an adoption appeal. The supreme
28 court shall review an adoption appeal de novo and shall base
29 its decision on the considerations enumerated in section one
30 (1) of this Act.

31 Sec. 22. NEW SECTION. FOREIGN AND INTERNATIONAL ADOPTIONS.
32 1. A decree terminating a parent-child relationship or
33 establishing a parent-child relationship by adoption which
34 is issued pursuant to due process of law by a court of any
35 other jurisdiction, whether within or without the United

1 States, shall be recognized in this state.

2 2. If there is a proxy adoption in the minor person's
3 country of origin, a further adoption must occur in the state
4 where the adopting parents reside in accordance with the
5 adoption laws of that state.

6 3. The department may provide necessary assistance to
7 an eligible citizen of Iowa who desires to, in accordance
8 with the immigration laws of the United States, make an
9 international adoption. For any such assistance the department
10 may charge a fee which does not exceed the reasonable cost
11 of services rendered and which is based on a sliding scale
12 relating to the investigated person's ability to pay.

13 4. Any rules of the department relating to placement of
14 a minor child for adoption which are more restrictive than
15 comparable rules of international agencies and laws of the
16 United States shall not be enforced by the department in an
17 international adoption.

18 Sec. 23. NEW SECTION. ADOPTION RECORD.

19 1. Any information compiled under subparagraphs three (3)
20 and four (4) of paragraph a of subsection one (1) of section
21 fifteen (15) of this Act shall be made available at any time
22 by the clerk of the court, the department, or any agency which
23 made the placement to the adopting parents and to the adult
24 adopted child.

25 2. The permanent adoption record of the court shall be
26 sealed by the clerk of court when it is complete and after
27 the time for appeal has expired. All papers and records
28 pertaining to an adoption, whether a part of the permanent
29 adoption records of the court or on file with a guardian,
30 guardian ad litem, custodian, person who placed a minor person,
31 or the department shall not be open to inspection. However,
32 an agency involved in placement may contact the adopting
33 parents or the adult adopted child regarding eligibility
34 of the adopted child for benefits based on entitlement of
35 benefits or inheritance from the terminated natural parents.

1 Also, the clerk of the court may open the permanent adoption
2 record of the court for the adopted person who is an adult
3 and reveal the names of the natural parents upon application
4 to the court for good cause shown if the natural parents have
5 filed an affidavit requesting such revelation. To facilitate
6 the natural parents in filing such affidavit, the department
7 shall, upon request of such parent, file an affidavit in the
8 court in which the adoption records have been sealed.

9 3. Any person, other than the adopting parents or the
10 adopted person, who discloses information in violation of
11 the provisions of this section shall be, upon conviction,
12 guilty of a misdemeanor.

13 Sec. 24. Any termination of parental rights or adoption
14 proceedings pending on the effective date of this Act shall
15 not be affected by the provisions of this Act.

16 Sec. 25. Section two hundred thirty-one point three
17 (231.3), unnumbered paragraph two (2), Code 1975, is amended
18 to read as follows:

19 The judge of the juvenile court may appoint a referee in
20 juvenile court proceedings. The referee shall be qualified
21 for his duties by training and experience and shall hold
22 office at the pleasure of the judge. The compensation of
23 the referee shall be fixed by the judge. The judge may direct
24 that any case or class of cases arising under chapter 232
25 or sections three (3) through nine (9) of this Act shall be
26 heard in the first instance by the referee in the manner
27 provided for the hearing of cases by the court.

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

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

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

1 Sec. 27. Section two hundred thirty-two point twelve
2 (232.12), Code 1975, is amended to read as follows:

3 232.12 OTHER ISSUES ADJUDICATED. When it appears during
4 the course of any trial, hearing, or proceeding that some
5 action or remedy other than or in addition to those indicated
6 by the application or pleadings appears appropriate, the court
7 may, provided all necessary parties consent, proceed to hear
8 and determine the additional or other issues as though
9 originally properly sought and pleaded. However, if
10 termination of parental rights appears to be the appropriate
11 action or remedy, the provisions of sections three (3) through
12 nine (9) of this Act must be followed.

13 Sec. 28. Section two hundred thirty-two point twenty-seven
14 (232.27), Code 1975, is amended to read as follows:

15 232.27 HEARINGS TO COURT. Hearings on any matter shall
16 be without a jury and may be conducted in an informal manner.
17 Hearings may be continued from time to time and in the interim
18 the court may make such orders as it deems in the best
19 interests of the child. The court shall exclude the general
20 public from hearings and shall admit the news media, except
21 in those cases which in the opinion of the court the best
22 interest of the child and the public are served by a private
23 hearing. The court shall also admit those persons who in
24 the discretion of the court have a direct interest in the
25 case or in the work of the court; except that if the hearing
26 involves a child charged by information or indictment with
27 the commission of a felony, persons having a legitimate
28 interest in the proceedings, including responsible
29 representatives of public information media, shall not be
30 excluded from such hearings. The court may require the
31 presence of witnesses deemed necessary to the disposition
32 of the petition. ~~Adoption-hearings-shall-be-conducted-in~~
33 ~~accordance-with-the-provisions-of-laws-relating-to-adoption.~~

34 Sec. 29. Section two hundred thirty-two point twenty-nine
35 (232.29), Code 1975, is amended to read as follows:

1 232.29 COUNTY ATTORNEY TO PRESENT EVIDENCE. The county
2 attorney shall present the evidence upon request of the court
3 in all proceedings ~~except-adoptions~~.

4 Sec. 30. Section two hundred thirty-two point thirty-six
5 (232.36), Code 1975, is amended to read as follows:

6 232.36 ORDERS CONTINUE TO MAJORITY OF CHILD. All orders
7 for supervision, custody, or commitment shall be enforced
8 until the minor reaches the age of eighteen years unless
9 otherwise specified by the court. All orders shall be reviewed
10 by the court at least annually unless the court's jurisdiction
11 has been terminated. The court may make on its own motion
12 or on the motion of an interested party and after notice to
13 the parties and a hearing some other disposition of the case
14 so long as the court retains jurisdiction. However, if
15 termination of parental rights is utilized as another
16 disposition of the case, the provisions of sections three
17 (3) through nine (9) of this Act must be followed.

18 Sec. 31. Section two hundred thirty-two point fifty-one
19 (232.51), unnumbered paragraph one (1), Code 1975, is amended
20 to read as follows:

21 Whenever legal custody of a minor is transferred by the
22 court or whenever the minor is placed by the court with someone
23 other than the parents or whenever a minor is given physical
24 or mental examinations or treatment under order of the court
25 and no provision is otherwise made by law for payment for
26 the care, examination, or treatment of the minor, the costs
27 shall be charged upon the funds of the county in which the
28 proceedings are held upon certification of the judge to the
29 board of supervisors. ~~Except-where-the-parent-child-rela-~~
30 ~~tion-is-terminated,-the~~ The court may inquire into the ability
31 of the parents to support the minor and after giving the
32 parents a reasonable opportunity to be heard may order the
33 parents to pay in the manner and to whom the court may direct,
34 such sums as will cover in whole or in part the cost of care,
35 examination, or treatment of the minor. If the parents fail

1 to pay the sum without good reason, the parents may be
2 proceeded against for contempt or the court may inform the
3 county attorney who shall proceed against the parents to
4 collect the unpaid sums or both.

5 Sec. 32. Section two hundred thirty-two point sixty-three
6 (232.63), Code 1975, is amended to read as follows:

7 232.63 WHEN JURISDICTION IS EXCLUSIVE. The juvenile court
8 shall have exclusive original jurisdiction, only, in
9 proceedings concerning any child alleged to be delinquent,
10 neglected, or dependent, and in proceedings for termination
11 of parental rights under sections ~~232.41 through 232.50~~ three
12 (3) through nine (9) of this Act, and in proceedings concerning
13 any minor alleged to have been a delinquent prior to having
14 become eighteen years of age except as otherwise provided
15 by law.

16 Sec. 33. Section two hundred thirty-five point three
17 (235.3), subsection three (3), Code 1975, is amended to read
18 as follows:

19 3. Make such rules and regulations as may be necessary
20 or advisable for the supervision of the private child-caring
21 agencies or officers thereof which the state director is
22 empowered to license, inspect and supervise, ~~which rules and~~
23 ~~regulations shall provide that in dealing with any child,~~
24 ~~any officer, employee or agency so dealing shall take into~~
25 ~~consideration the religious faith or affiliations of the child~~
26 ~~or its parents, and that in placing such child it shall be,~~
27 ~~as far as practicable, placed in the home or the care and~~
28 ~~custody of some person holding the same religious faith as~~
29 ~~the parents of such child, or with or through some agency~~
30 ~~or institution controlled by persons of like religious faith~~
31 ~~with the parents of said child.~~

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

35 Nothing herein shall prohibit the state director from

1 disclosing such facts to such proper persons as may be in
2 the interest of a child cared for by such agency or in the
3 interest of the child's parents or foster parents and not
4 inimical to the child, or as may be necessary to protect the
5 interests of the child's prospective foster parents. However,
6 disclosure of adoption records shall be governed by the
7 provisions of section twenty-three (23) of this Act.

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

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

15 Sec. 36. Sections two hundred thirty-two point forty
16 (232.40) through two hundred thirty-two point fifty (232.50),
17 inclusive, section two hundred thirty-two point sixty (232.60),
18 and sections two hundred thirty-eight point twenty-five
19 (238.25) through two hundred thirty-eight point twenty-nine
20 (238.29), inclusive, Code 1975, are repealed.

21 Sec. 37. Section six hundred point one (600.1) through
22 six hundred point ten (600.10), inclusive, Code 1975, are
23 amended by striking the sections and inserting in lieu thereof
24 sections one (1) through twenty-three (23), inclusive, of
25 this Act.

26 EXPLANATION

27 This bill completely revises the Code provisions relating
28 to termination of parental rights, releases of custody to
29 child-placing agencies, and adoptions. In particular, sections
30 232.40 through 232.50 and 238.25 through 238.29 and chapter
31 600 of the Code are subject to the bulk of this bill's
32 revision. The bill is the result of the efforts of a 1974
33 interim committee and a subcommittee of the House Committee
34 on Human Resources.

35 A 1972 United States Supreme Court decision recognized

1 the rights of an unmarried father to a parent-child
2 relationship. In response to that decision, this bill
3 guarantees that every parent is to receive due process notice
4 and opportunity to be heard prior to severing his relationship
5 with the child. Also, such rights must be severed or
6 terminated before a petition to adopt such child may be filed.

7 There has been some question in the past whether the Code
8 allows anyone other than a licensed child-placing agency to
9 place a child for adoption. This bill makes clear that an
10 independent placement of a child for adoption may be made
11 if made under the strict requirements under which licensed
12 child-placing agencies operate.

13 This bill regulates the use of voluntary releases and
14 allows their revocation only when they were obtained
15 involuntarily by inequitable methods or for good cause shown.

16 This bill also assures that legal responsibility for a
17 minor is clearly designated at all points before termination
18 of parental rights through issuance of an adoption decree.

19 There was some concern expressed to the interim committee
20 that adults who had previously been adopted were not receiving
21 adequate information about their biological background. This
22 bill provides a means for collecting and distributing such
23 information.

24 This bill reduces the minimum residence period a child
25 must reside with adopting parents before issuance of an
26 adoption decree from one year to six months.

27 To avoid the possibility of gray or black market this bill
28 requires the adopting parents to supply a great quantity of
29 information regarding the adoption which is to be both
30 scrutinized by the court and verified by a person appointed
31 by the court. Also, persons receiving undue fees or moneys
32 as a result of adoption placements are subject to criminal
33 penalties.

34 Finally, since this bill makes various changes to the
35 present law which cannot all be explained here because

1 explanations are required to be brief, it is noted that a
2 further more detailed explanation of this bill by section
3 has been prepared and is on file in the office of the
4 Legislative Service Bureau.

5

H-3496

1 Amend House File 614 as follows:
2 Page 9, line 22, by striking the words "a
3 preponderance of the evidence" and inserting in
4 lieu thereof the words "proof beyond a reasonable
5 doubt".

1 H-3496 FILED - *Adopted 4/10 (1058)* BY DOYLE of Woodbury
1 APRIL 8, 1975
1

H-3541

1 Amend House File 614 as follows:
2 Page 23, line 5, by inserting before the word
3 "To" the following:
4 "If the adopted person who applies for revelation
5 of the natural parents' name has a sibling who is
6 minor and who has been adopted by the same parents,
7 the court may deny such application on the grounds
8 that revelation to the applicant may also indirectly
9 and harmfully permit the same revelation to the
10 applicant's minor sibling."

H-3541 FILED, WITHDRAWN BY CONNORS of Polk
BY UNANIMOUS CONSENT (1063)
APRIL 10, 1975

H-3542

1 Amend House File 614, page 22, line 15, by
2 striking the words "international agencies", and
3 inserting in lieu thereof the following: "agencies
4 making international placements".

H-3542 FILED, ADOPTED (1062) BY HIGGINS of Scott
APRIL 10, 1975

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H-3507

- 1 Amend House File 614 as follows:
- 2 1. Page 4, line 13, by striking the word "his"
- 3 and inserting in lieu thereof the words "the child's".
- 4 2. Page 6, line 7, by striking the words "the
- 5 clerk of" and the word "whose".
- 6 3. Page 6, line 8, by striking the word "juris- A
- 7 diction" and inserting in lieu thereof the word
- 8 "which".
- 9 4. Page 6, line 11, by striking the words "the
- 10 clerk of".
- 11 5. Page 6, line 33, by inserting before the word
- 12 "and" the words "who have not waived such notice
- 13 under paragraph c of subsection two (2) of section
- 14 four (4) of this Act".
- 15 6. Page 7, line 21, by inserting after the B
- 16 word "shall" the words ", unless notice has been
- 17 waived by the party,".
- 18 7. Page 7, line 34, by inserting after the
- 19 word "shall" the words ", unless notice has been
- 20 waived by the party,".
- 21 8. Page 8, line 27, by striking the words "the
- 22 clerk of".
- 23 9. Page 10, line 9, by inserting before the
- 24 word "aid" the word "financially". A
- 25 10. Page 11, line 4, by striking the word "or"
- 26 and inserting in lieu thereof the word "and".
- 27 11. Page 11, line 9, by inserting after the
- 28 word "terminated" the words "if they request such C
- 29 copies".
- 30 12. Page 12, line 11, by striking the words "the
- 31 clerk of".
- 32 13. Page 12, line 18, by striking the words "if
- 33 the adoption petition is finally granted". A
- 34 14. Page 14, line 12, by striking the words
- 35 "clerk of the".
- 36 15. Page 14, line 27, by striking the words "on D
- 37 forms provided by the department".
- 38 16. Page 16, line , by striking the words
- 39 "the clerk of". A
- 40 17. Page 17, line 2, by striking the words
- 41 "the clerk of".
- 42 18. Page 18, line 33, by striking the words
- 43 "the clerk of".
- 44 19. Page 21, lines 8 and 9, by striking the
- 45 words ", as soon as possible,".

H-3507 FILED A- Adopted 4/10 (1054)
 APRIL 8, 1975 B- Withdrawn 4/10 (1059)
 C- Adopted 4/10 (1059)
 D- Adopted " "

BY OAKLEY of Clinton

H-3511

- 1 Amend House File 614 as follows:
2 1. Page 22, line 25, by inserting before the
3 word "permanent" the words "permanent termination of
4 parental rights record of the juvenile court and
5 the".
6 2. Page 22, line 26, by inserting before the
7 word "clerk" the words "clerk of the juvenile court
8 and the" and by striking the words "it is" and in-
9 serting in lieu thereof the words "they are".
10 3. Page 22, line 28, by inserting before the word
11 "an" the words "a termination of parental rights and
12 to".
13 4. Page 22, line 29, by inserting before the word
14 "adoption" the words "termination and" and by insert-
15 ing before the word "of" the words "of the juvenile
16 court and".
17 5. Page 22, line 31, by inserting after the word
18 "inspection" the words "and the identity of the
19 natural parents of an adopted person shall not be
20 revealed".

H-3511 FILED - *Adopted 4/10 (1062)*

BY OAKLEY of Clinton

APRIL 8, 1975

H-3521

- 1 Amend House File 614 as follows:
2 1. Page 3, line 28, by inserting after the word A
3 "certified" the words "or approved".
4 2. Page 16, by inserting after line 10 the fol-
5 lowing and by renumbering the following subsections B
6 accordingly:
7 "5. Any person conducting an investigation under
8 subsections three (3) and four (4) of this section
9 may, in the investigation or subsequent report, in-
10 clude, utilize, or rely upon any reports, studies,
11 or examinations to the extent they are relevant."

H-3521 FILED A- *Adopted 4/10 (1050)*
APRIL 9, 1975 B- *Adopted 4/10 (1061)*

BY OAKLEY of Clinton

H-3522

- 1 Amend House File 614 as follows:
2 Page 23, line 15, by inserting after the period
3 the words "This Act shall take effect on January
4 1, 1976."

H-3522 FILED - *Adopted 4/10 (1064)*
APRIL 9, 1975

BY OAKLEY of Clinton

H-3508

1 Amend House File 614 as follows:

2 1. Page 14, line 28, by inserting before the
3 word "adoption" the word "prospective".

4 2. Page 14, line 29, by striking the second
5 word "the" and inserting in lieu thereof the word
6 "a".

7 3. Page 14, line 31, by inserting before the
8 word "adoption" the word "prospective".

9 4. Page 14, line 34, by striking the word "the"
10 and inserting in lieu thereof the word "a".

11 5. Page 15, by striking everything in lines 1
12 through 5, inclusive.

13 6. Page 15, by inserting after line 14 the fol-
14 lowing:

15 "c. A background information investigation and
16 a report of this investigation shall not disclose
17 the identity of the natural parents of the minor
18 person to be adopted and shall answer the following:

19 (1) What is the complete family medical history
20 of the person to be adopted, including any known
21 genetic, metabolic, or familial disorders.

22 (2) What is the complete medical and develop-
23 mental history of the person to be adopted."

24 7. Page 15, line 16, by striking the word
25 "placement" and inserting in lieu thereof the words
26 "prospective adoption petitioner" and by inserting
27 after the word "approved" the words "for a placement".

28 8. Page 15, line 18, by striking the second word
29 "a" and inserting in lieu thereof the words "the
30 petitioner's".

31 9. Page 15, line 19, by inserting before the
32 word "However" the words "A report of a preplacement
33 investigation that has approved a prospective
34 adoption petitioner for a placement shall not autho-
35 rize placement of a minor person with that petitioner
36 after one year from the date of the report's issuance."

37 10. Page 15, line 19, by inserting after the
38 word "the" the word "prospective".

39 11. Page 15, line 26, by inserting after the word
40 "the" the word "prospective".

41 12. Page 15, line 30, by striking the word
42 "placement" and inserting in lieu thereof the words
43 "prospective adoption petitioner" and by striking the
44 word "persons" and inserting in lieu thereof the
45 word "person".

46 13. Page 16, by striking everything in line 5
47 and inserting in lieu thereof the words "4. A post-
48 placement and a background information investigation
49 and the reports of these".

50 14. Page 16, line 6, by striking the word

- 1 "investigation" and inserting in lieu thereof the
2 word "investigations" and by striking the word
3 "report" and inserting in lieu thereof the word
4 "reports".
- 5 15. Page 16, line 9, by striking the word "The"
6 and inserting in lieu thereof the words "Upon the
7 filing of an adoption petition pursuant to section
8 twelve (12) of this Act, the" and by inserting
9 before the word "appoint" the word "immediately".
- 10 16. Page 16, line 10, by inserting after the
11 period the following:
12 "Any person, including a juvenile court, who has
13 gained relevant background information concerning
14 a minor person subject to an adoption petition shall,
15 upon request, fully cooperate with the conducting of
16 the background information investigation and report
17 by disclosing any relevant background information,
18 whether contained in sealed records or not."
- 19 17. Page 22, line 19, by striking the words
20 "three (3)" and inserting in lieu thereof the words
21 "one (1)".
- 22 18. Page 22, line 20, by striking the words
23 "four (4)" and inserting in lieu thereof the words
24 "two (2)" and by striking the word "a" and inserting
25 in lieu thereof the word "c".

H-3508 FILED - *Adopted 4/10 (1060)*
APRIL 8, 1975

BY OAKLEY of Clinton

H-3523

- 1 Amend House File 614 as follows:
- 2 Page 16, by striking everything in lines 11
- 3 through 15, inclusive, and by renumbering the
- 4 following subsections accordingly.

H-3523 FILED - *Lost 4/10 (1061)*
APRIL 9, 1975

BY OAKLEY of Clinton

H-3524

- 1 Amend House File 614 as follows:
- 2 Page 5, by striking everything in lines 26
- 3 through 30, inclusive, and inserting in lieu thereof
- 4 the words "by reason of fraud, misrepresentation,
- 5 and duress."

H-3524 FILED - *Lost 4/10 (1057)*
APRIL 9, 1975

BY OAKLEY of Clinton

H-3525

- 1 Amend House File 614 as follows:
- 2 Page 4, lines 2 through 8, by striking the words
- 3 "However, when placement of a minor person in the
- 4 home of a proposed parent in anticipation of an
- 5 ensuing adoption is made within thirty days of
- 6 the birth of the minor person, such placement shall
- 7 be made pursuant to section fifteen (15) of this
- 8 Act and only after termination of parental rights
- 9 is effectuated pursuant to sections four (4)
- 10 through nine (9) of this Act."

H-3525 FILED - *Lost 4/10 (1051)*
APRIL 9, 1975 *Motion to reconsider, per -*
waived, 3525 lost (1065)

BY OAKLEY of Clinton

H-3532

- 1 Amend House File 614 as follows:
- 2 1. Page 6, line 8, by inserting before the word
- 3 "the" the words "the guardian or custodian of".
- 4 2. Page 6, line 8, by inserting before the word
- 5 "is" the words "the child".
- 6 3. Page 6, line 15, by striking the words
- 7 "residence or location" and inserting in lieu
- 8 thereof the word "domicile".

H-3532 FILED - *Adopted 4/10 (1054)*
APRIL 9, 1975

BY OAKLEY of Clinton

H-3530

- 1 Amend House File 614, page 4, by striking
- 2 everything in lines 29 through 32, inclusive, and by
- 3 renumbering the following paragraphs accordingly.

H-3530 FILED - *Adopted 4/10 (1054)*
APRIL 9, 1975

BY MIDDLETON of Black Hawk

H-3528

- 1 Amend House File 614 as follows:
- 2 1. Page 2, line 7, by striking the word "major". A
- 3 2. Page 5, line 2, by striking the words "-child
- 4 relationship".
- 5 3. Page 6, line 15, by inserting before the word
- 6 "of" the words ", if any,". C
- 7 4. Page 12, line 13, by inserting after the word
- 8 "certificate" the words "or in a verified birth
- 9 record".
- 10 5. Page 13, line 12, by inserting after the word
- 11 "adopted" the words "or, if such certificate is not
- 12 available, a verified birth record". A
- 13 6. Page 18, line 22, by striking the word
- 14 "custodian" and inserting in lieu thereof the words
- 15 "and custodian of".
- 16 7. Page 18, line 23, by striking the words
- 17 "parent of" and inserting in lieu thereof the words
- 18 "person in a parent-child relationship with".
- 19 8. Page 23, line 4, by striking the words "for B
- 20 good cause shown".

H-3528 FILED A- Adopted 4/10 (1049)
APRIL 9, 1975 B- Adopted 4/10 (1063)
C- Adopted 4/10 (1057)

BY LIPSKY of Linn
RINAS of Linn

House File 614

H-3538

- 1 Amend House File 614 as follows:
- 2 1. Page 16, line 34, by inserting after the
- 3 word "misdemeanor" the following: ", and shall be
- 4 fined not more than one hundred dollars or imprisoned.
- 5 in the county jail for not more than thirty days".
- 6 2. Page 17, line 33, by inserting after the
- 7 word "misdemeanor" the following: ", and shall be
- 8 fined not more than one hundred dollars or imprisoned
- 9 in the county jail for not more than thirty days".
- 10 3. Page 23, line 12, by inserting after the
- 11 word "misdemeanor: the following: ", and shall be
- 12 fined not more than one hundred dollars or imprisoned
- 13 in the county jail for not more than thirty days".

H-3538 FILED - Adopted 4/10 (1061)
APRIL 9, 1975

BY DOYLE of Woodbury

H-3539

- 1 Amend House File 614 as follows:
2 1. Page 21, line 5, by striking the word
3 "adption" and inserting in lieu thereof the
4 word "adoption".
5 2. Page 21, line 16, by striking the words
6 "adoption decree" and inserting in lieu thereof
7 the words "certification of adoption".
8 3. Page 21, line 20, by striking the words
9 "an adoption decree" and inserting in lieu thereof
10 the words "a certification of adoption".

H-3539 FILED, ADOPTED (1062)
APRIL 10, 1975

BY MIDDLETON of Black Hawk

H-3540

- 1 Amend House File 614 as follows:
2 Page 23, line 5, by inserting before the word
3 "To" the following:
4 "If the adopted person who applies for revelation
5 of the natural parents' name has a sibling who is
6 a minor and who has been adopted by the same parents,
7 the court shall deny such application on the grounds
8 that revelation to the applicant may also indirectly
9 and harmfully permit the same revelation to the
10 applicant's minor sibling."

H-3540 FILED, ADOPTED (1063)
APRIL 10, 1975

BY CONNORS of Polk

H-3544

- 1 Amend House File 614 as follows:
2 1. Page 22, line 32, by striking the word
3 "may" and inserting in lieu thereof the word "shall".

H-3544 FILED, ADOPTED (1063)
APRIL 10, 1975

BY BINA of Scott
WALTER of Pottawattamie
PAVICH of Pottawattamie
MIDDLETON of Black Hawk
RINAS of Linn
HIGGINS of Scott

H-3543

1 Amend House File 614 as follows:

2 1. Page 7, line 4, by inserting after
3 the word "include" the following:

4 "the father of a child born out of wedlock
5 unless he has filed a notice of intent to
6 claim paternity as provided in subsection two
7 (2) of this section, or".

8 2. Page 7, line 7, by inserting after the
9 period the following:

10 "2. Any man intending to assume parental
11 rights in relation to a child born by a woman
12 not his legal or common law wife shall file
13 notice of such intent with the clerk of court
14 in any county in the state of Iowa before the
15 birth of such child. Notices of intent to
16 claim paternity shall be in the following
17 form:

18 I, (name and address of father), intend to
19 claim paternal rights to any child or children
20 born by (name and address of mother). Such
21 notice shall be signed by the person filing
22 such notice and notarized by the clerk of court
23 or his designee. Such notice shall be kept
24 confidential and may not be used for any
25 purpose except to notify the person filing that
26 a hearing on the termination of his parental
27 rights is pending."

28 3. Page 8, by striking everything after
29 the period in line 11 and all of lines 12 through
30 18.

31 4. By renumbering sections and internal
32 references required by this amendment."

H-3543 FILED, WITHDRAWN
BY UNANIMOUS CONSENT (1058)
APRIL 10, 1975

BY WYCKOFF of Benton

/

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DETAILED EXPLANATION OF
ADOPTION LAWS STUDY COMMITTEE BILL

This bill completely revises the current provisions in the Code of Iowa relating to termination of parental rights and adoptions. It was originally drafted by a 1974 interim committee of the General Assembly, the Adoption Laws Study Committee, primarily in response to: testimony given before the Committee; the introduction of House File 1100 during the sessions of the Sixty-fifth General Assembly; and the rendering of Stanley v. Illinois, 405 U.S. 645 (1972). Because the Committee substantially documented its work and because the revisions are extensive, this explanation is set out at length in relation to the individual sections of the bill.

Section 1. A section similar to this section is not in the present Code. The bulk of this section has been borrowed from language in Iowa case law. The idea behind this section is that general principles which have been used to interpret termination of parental rights and adoption statutes and which are still pertinent should actually be expressed in these statutes. These statutes are construed liberally. (Corbett v. Stergios, 257 Iowa 1387, 137 N.W. 2d 266 (1965).) The welfare of a child to be adopted is the paramount consideration in this liberal construction. (In re Adoption of Keithley, 206 N.W. 2d 707 (Iowa 1973).) However, competing but subservient interests to those of the child's are recognized. (Id.) Section 232.45, Code of Iowa (1975), presently recognizes the interests of a person standing in loco parentis to a child.

Section 2. The definitions of "child", "parent", and "parent-child relationship" were initially modeled on definitions in the Uniform Parentage Act (Nat. Conf. of Commissioners on Uniform State Laws, 1973) and the Uniform Adoption Act (Nat. Conf. of Commissioners on Uniform State Laws, 1969). The definitions of "minor", "adult", "agency", "department", "court", and "juvenile court" are standard self-explanatory definitions. The definitions of "termination of parental rights", "natural parent",

"stepparent", and "independent placement" are definitions newly defined for clarity in this bill. The definition of "to abandon a minor child" is newly defined to serve as a ground for termination under section 8 of the bill and is modeled on language found in Pitzenberger v. Schnacle, 245 N.W. 713, 714, 715 (Iowa 1932). The term "guardian ad litem" is newly defined and, aside from the duties and rights it prescribes, serves as a component to the definition of "guardian". The same may be said of the definition of "custodian". In essence, these definitions contemplate that the most complete legal relation that can be established with a minor child is the parent-child relationship, followed by, in descending order, the relations to that child of a guardian, custodian, and guardian ad litem. The definitions of "custodian" and "guardian" were initially modeled on definitions of those terms found in section 232.2(8)(9) of the Code, although section 232.2(8)(9) of the Code is changed by section 26 of this bill so that these definitions of the Code terms conform with the definitions in this bill.

Section 3. This section makes clear that sections 4 through 9 of this bill are the exclusive means by which to terminate parental rights and that these rights must be terminated prior to the filing of an adoption petition. However, this section does not apply if there is to be a stepparent or an adult adoption. Present Code provisions relating to termination of parental rights are scattered amongst chapters 232, 238, and 600 and do not require that termination be accomplished at any particular time.

Section 4. Sections 238.26 and 600.3 of the Code presently make it clear that a parent is not to alter the parent-child relationship except upon order of the juvenile court or upon release to a child-placing agency or to persons who have obtained a consent to adopt from the natural parents and who are petitioning to adopt the child of the relationship. This section reformulates those provisions, although it permits release of parental rights only to a child-placing agency or a person making an independent placement under specified conditions. Such release extrajudicially

transfers legal custody of the child to the person accepting the release. Furthermore, this section, as does section 238.25, recognizes the ability of a stepparent or relative of the child to assume custody of the child. Subsection 3 of this section creates a mechanism whereby a release of parental rights, coupled with a court order, may be effective to transfer custody of the minor child upon the signature of only one of the living parents. The nonsigning parent is given standing to challenge such a release at the subsequent termination hearing. There is not a Code provision similar to subsection 4 of this bill. However, the Supreme Court of Iowa has recently recognized that a written consent to adopt can be revoked under the equitable principles of fraud, misrepresentation, duress, overreaching, mistake, or corruption for undue coercion exerted on the parent by the person securing the consent. (Stotler v. Lutheran Social Services of Iowa, 209 N.W. 2d 121 (Iowa 1973).) Subsection 4 has extended the principle of Stotler to cover coercion exerted by anyone, although the parent must establish grounds to revoke a release for lack of voluntariness by clear and convincing proof. The Adoption Laws Study Committee determined that a release of parental rights should not be revoked for any other reason because of the reliance placed on the release by persons placing and proposing adoption of the child, but recognized that since such release is obtained extrajudicially, it might also be cancelled extrajudicially by the person receiving it in the best interests of the minor child.

Section 5. This section is modeled on sections 232.3, 232.42, 232.43, and 232.45 of the Code. A provision in subsection 1 of this section permits the termination petition to be filed prior to the birth of the child subject to the petition, although section 7(1) of this bill makes it clear that the termination hearing on the petition shall not be held prior to two weeks after the birth of this child. This provision is designed to expedite, where appropriate, the termination and placement processes by allowing legal work to begin on either process prior to the child's

birth. Such expediting is in response to the problems of delay created by Stanley v. Illinois, supra, in requiring that a natural father be notified of a pending termination hearing.

Section 6. This section is generally responsive to the opinion of Stanley v. Illinois, supra. In regard to the different notice formulas prescribed by this section, the opinion of Mullane v. Central Hanover Bank and Trust Company, 339 U.S. 306 (1950), should be consulted. In regard to the appointment of a guardian ad litem as required by this section, In re Galt, 387 U.S. 1 (1967), should be inspected. This section basically requires that all necessary parties, defined as those persons required to be identified in the termination petition and as the guardian ad litem, are to be reasonably notified or reasonably attempted to be notified of the time, place, and purpose of the termination hearing, unless they have waived such notice. If the necessary party is known and located, that party should receive in-hand or certified mail notice. If the necessary party is known but unlocated, that party should receive published notice with only the unlocated party's name appearing in the notice. If the necessary party is a natural parent and is unidentified and unlocated, that party should receive published notice with only the identified natural parent's name appearing in the notice; unless upon application to the court, the court dispenses with any notice because it is not likely to apprise the unidentified party of the pendency of the termination action.

Section 7. This section is modeled primarily on sections 232.44 and 232.46 of the Code. However, this section is referenced to the Iowa Rules of Civil Procedure and incorporates the concept of forum non conviens.

Section 8. This section has its foundation in sections 232.46 and 232.41 of the Code. This section creates, by its subsections 1, 2, 8, new or previously-unarticulated grounds for termination of parental rights. Subsection 8 embraces a recommendation made to the Adoption Laws Study Committee by the Iowa Women's Political Caucus that attempts to prevent

discrimination against the divorced or separated, noncustodial parent. (See e.g., In re Adoption of Moriarty, 260 Iowa 1279, 152 N.W. 2d 218 (1967); In re Adoption of Harris, 219 N.W. 2d 526 (Iowa 1974); In re Adoption of Vogt, 219 N.W. 2d 529 (Iowa 1974).)

Section 9. Subsections 1 and 3 of this section are modeled on sections 232.47 through 232.49 of the Code. Subsection 1 makes clear that someone is to be designated as legally responsible for a minor person who as a result of termination proceedings is without parental protection and guidance. Subsection 1 also indicates that a termination order is to declare maternity and paternity. Subsection 2 of this section is substantially based on section 232.50 of the Code, although the provision for withdrawal of a termination order is unknown to the present Code provisions. Like the discretion permitted an agency or person making an independent placement to return a child to a parent who has signed a release, the withdrawal provisions in subsection 2 provide a mechanism for return of the child under certain conditions if in the best interests of that child.

Section 10. This section is primarily modeled on section 600.1 of the Code, although jurisdiction is more clearly established. As with section 7 of this bill, this section too incorporates the concept of forum non conveniens.

Section 11. This section is also similar to section 600.1 of the Code, although the qualifications of who may adopt are more specific. Furthermore, paragraph c of subsection 3 provides a new mechanism by which a married person may request to adopt without that person's spouse joining in the adoption petition.

Section 12. This section is also modeled on section 600.1 of the Code, although this section is more specifically consistent with the provisions of this bill. The philosophy behind sections 12, 13, 15, and 16 of this bill is that the maximum information that can be collected concerning a pending adoption should be before the court so that it may make an intelligent and informed decision on whether the adoption petition should be granted.

Section 13. This section has no counterpart in present Code provisions, but does supplement section 12 of this bill.

Section 14. This section is a deviation from section 600.3 of the Code in that it no longer provides that a consent to adopt need to be obtained from the parents of a minor person, except the parent who is the spouse of an adopting stepparent. While such a deviation is a significant change in the current law mainly in terms of independent placements, it is consistent with sections 3 through 9 of the bill which require termination of parental rights prior to the filing of an adoption petition and which establish that independent placements can be made after obtaining a release of parental rights. Furthermore, section 15 of the bill denotes that independent placements are to be made under conditions similar to those of agency placements. The net effect of these various changes made by the bill is that the obtaining consents to adopt of the parents is no longer needed to justify the making of independent placements. Subsections 3 and 4 of this section are not embodied in current Code provisions. They basically provide a mechanism that prevents a lack of a required consent from becoming an absolute veto to an adoption. This is consistent with current case law characterizing a consent to adoption as being nonveto in nature. (In re Adoption of Clarke, 183 N.W. 2d 179 (Iowa 1971).)

Section 15. Pre-placement investigations are not directly required by current Code provisions. However, the Department of Social Services has required, under a grant of rule-making authority per section 238.16 of the Code, that licensed child-placing agencies conduct pre-placement investigations. (See, Rules 153.1(2) and 153.2(4)(5), I.D.R. (1973).) These rules do not apply to independent placements. Section 600.2 of the Code requires that the court appoint a qualified person, a licensed agency, or the Department of Social Services to investigate and report on the allegations of an adoption petition and the suitability of a prospective adoptive parent. This section of the bill requires that a pre-placement and a post-placement

investigation and report be conducted and the placement be approved for every placement and proposed adoption, except that subsections 2 and 5 of this section exempt an adult adoption from this requirement and allows the court to waive such requirement in a stepparent or relative adoption. Additionally, subsection 1 of this section provides that background information be collected on a minor person for subsequent distribution under section 23 of the bill. This section also designates the Department of Social Services to conduct all pre-placement investigations and approve all placements that are not agency placements. Provision is made for an appeal to the court if a placement is disapproved. The Department is allowed by subsection 3 of this section to charge a fee of up to \$200 for conducting an investigation. Subsection 8 of this section is directed at gray and black market adoptions and provides a penalty for not conforming with the provisions of this section.

Section 16. This section has no counterpart in current statutory law, except that section 600.2 of the Code impliedly grants the court the power to require production of any information relevant to the pending adoption. Subsection 1 of this section requires a financial disclosure likely to reveal any undue expenditures made in connection with the pending adoption. Section 15 of the bill requires that such disclosure be verified by an independent investigator. Subsection 2 of this section provides a penalty when undue expenditure has been made.

Section 17. This section is modeled on section 600.2 of the Code which requires that a period of one year expire between the placement of a minor child in a prospective adoptive home and the rendering of an adoption decree, unless the court shortens this period for good cause shown or waives this period in a related or stepparent adoption. This section deviates from section 600.2 primarily by shortening the one-year period to a six-month period. Furthermore, section 15 of the bill, unlike present Code provisions, states that the six-month period does not commence until the placement is approved after investigation and the report of the investigation is filed with the court.

Section 18. This section may be compared with section 600.4 of the Code, although this section more specifically designates the requirements of notice of an adoption hearing.

Section 19. This section is modeled on section 600.4 of the Code. Also, it recognizes that adoption hearings have been held to be equitable in nature. (In re Adoption of Blanchard, 179 N.W. 2d 441 (Iowa 1970).)

Section 20. This section may be compared partially with sections 600.5 and 600.6 of the Code. However, this section's provisions relating to an interlocutory decree of adoption are entirely new. Subsection 4 of this section makes clear that an adopted adult cannot have, for most purposes, two sets of parents.

Section 21. There is no comparable provision in the Code to this section, although this section is primarily referenced to the Iowa Rules of Civil Procedure. The second sentence of this section is inserted to avoid the application of I.R.C.P. 333.

Section 22. This section primarily recognizes that full faith and credit is to be given to adoption decrees issued by other states in accordance with due process of law and extends comity to international adoption processes and decrees.

Section 23. This section broaches the question of what information in regard to an adoptee's biological background should be made available in what manner. Basically, this section makes the information collected under subsection 1 of section 15 of this bill available upon demand of the adopting parents and upon demand of the adopted who has attained the age of majority. However, similar to the provisions of section 600.8 of the Code, the adoption record of the court, which includes the names of the natural parents, is required to be sealed when complete. These records, plus any adoption records held by any persons, cannot be inspected except upon order of court for good cause shown if the natural parents have signed an affidavit of consent. Penal provisions are provided for the disbursement of any information in violation of the provisions of this section.

Section 24. This section provides that this bill shall be applied prospectively and that any adoption decree entered prior to the effective date of this bill and alleged to be defective must be challenged within one year of the effective date or be barred.

Sections 25-37. These sections are coordinating amendments to the Code.

Gen. Human Resources 4/17, Pass for 3991 and 3992 6/2
Retail " " 1/12/76 Pass for 5346 3/17/76

HOUSE FILE 614

By COMMITTEE ON HUMAN RESOURCES

(As Amended and Passed by the House)

Passed House, Date _____ Passed Senate, Date 4-5-76 (1173)
Vote: Ayes _____ Nays _____ Vote: Ayes 44 Nays 0

Approved June 28, 1976
Motion to reconsider filed (1174), withdrawn 8/7(1225)

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:

4
5 *1st Conference Committee*
6 *Senators Gluba, Redmond, Doderer, Ramsey, & Haw 4/26 (1430)*
7 *Representatives Middleton, Higgins, Lonergan, Oakley, Lipsky*
8 *Failed to agree 5/6/76*

9
10 *Second Conference Committee*
11 *Representatives Middleton, Higgins, Lonergan, Lipsky, Oakley*
12 *Senators Gluba, Doderer, Ramsey, Redmond, & Haw*
13 *5/24- Senator Gluba resigned so chair in favor of Senator Ramsey who*
14 *was so appointed. (p. 2220)*

15 House Amendments _____

16 *Per Conference Committee Report*

17 *Passed House 5-24-76 (p. 3066) Passed Senate 5-25-76 (2242)*
18 *92-2 41-0*

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

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

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.

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

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

8 12. "Agency" means a child-placing agency as defined in
9 section two hundred thirty-eight point two (238.2) of the
10 Code or the department.

11 13. "Department" means the state department of social
12 services or its subdivisions.

13 14. "Court" means a district court.

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

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

25 17. "Independent placement" means a placement of a minor
26 person in the home of a proposed parent in anticipation of
27 an ensuing adoption by a person who is not an agency.

28 18. "Investigator" means a natural person who is certified
29 or approved

30 by the department as being capable of conducting a placement
31 investigation under section fifteen (15) of this Act.

32 Sec. 3. NEW SECTION. TERMINATION PRIOR TO ADOPTION
33 PETITION.

34 1. Termination of parental rights of all parents shall
35 be accomplished only according to the provisions of section

1 four (4) through nine (9) of this Act and shall be effectuated
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1 prior to the filing of an adoption petition under section
2 ten (10) of this Act. However, when placement of a minor
3 person in the home of a proposed parent in anticipation of
4 an ensuing adoption is made within thirty days of the birth
5 of the minor person, such placement shall be made pursuant
6 to section fifteen (15) of this Act and only after termination
7 of parental rights is effectuated pursuant to sections four
8 (4) through nine (9) of this Act.

9 2. Notwithstanding the provisions of subsection one (1)
10 of this section, this section shall not apply to the parent-
11 child relationship existing between a child and a parent whose
12 spouse is a stepparent of that child or between an adult child
13 and the child's parents.

14 Sec. 4. NEW SECTION. RELATIONSHIP UNALTERED--RELEASE
15 OF CUSTODY--VOLUNTARINESS OF RELEASE.

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

24 2. A release of custody:

25 a. Shall be accepted only by an agency or a person making
26 an independent placement.

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

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33 c. Shall be in writing.

34 d. Shall be signed, not less than seventy-two hours after
35 the birth of the child to be released, by any living parent.

1 e. Shall be witnessed by two persons familiar with the
2 parent.

3 f. Shall name the person who is accepting the release.

4 g. Shall be followed, within a reasonable time, by the
5 filing of a petition for termination of parental rights under
6 section five (5) of this Act.

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

21 4. A parent who signs a release of custody may petition,
22 in the time prior to the filing of a petition for termination
23 of parental rights, or may request, at the hearing on
24 termination of parental rights, the juvenile court designated
25 in section five (5) of this Act to order the release revoked
26 for good cause shown or because it was not obtained voluntarily
27 or with a full understanding of the material facts. At a
28 hearing on voluntariness of the release, the juvenile court
29 shall consider all relevant factors, including coercion exerted
30 by any person, in determining the voluntariness of the release.

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

32 1. The following persons may petition a juvenile court
33 for termination of parental rights if the child of the parent-
34 child relationship is born or expected to be born within one
35 hundred eighty days of the date of petition filing:

- 1 a. A parent of the parent-child relationship.
- 2 b. A custodian or guardian of the child.
- 3 c. Any other person who has knowledge of circumstances
- 4 indicating that the parent-child relationship should be
- 5 terminated.
- 6 2. A petition for termination of parental rights shall
- 7 be filed with _____ the juvenile court in
- 8 which the guardian or custodian of
- the child resides or the child is domiciled. However,
- 9 if a juvenile court has made an order pertaining to a minor
- 10 child under section 232.33 of the Code and that order is still
- 11 in force, the petition shall be filed with _____ that
- 12 juvenile court.

13 3. A petition for termination of parental rights shall

14 include the following:

- 15 a. The legal name, age, and domicile, if any,
- 16 of the child.
- 17 b. The names, residences, and domicile of any:
 - 18 (1) Living parents of the child.
 - 19 (2) Guardian of the child.
 - 20 (3) Custodian of the child.
 - 21 (4) Guardian ad litem of the child.
 - 22 (5) Petitioner.
 - 23 (6) Person standing in loco parentis to the child.
- 24 c. A plain statement of the circumstances indicating that
- 25 the parent-child relationship should be terminated.
- 26 d. A plain statement explaining why the petitioner does
- 27 not know any of the information required under paragraphs
- 28 a and b of this subsection.

29 e. The signature and verification of the petitioner.

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

31 1. A termination of parental rights shall, unless provided

32 otherwise in this section, be effectuated only after notice

33 has been served on all necessary parties and these parties

34 have been given an opportunity to be heard before the juvenile

35 court. A "necessary party" shall include any person whose

1 name, residence, and domicile is required to be included on
2 the petition under paragraphs a and b of subsection three
3 (3) of section five (5) of this Act. However, a "necessary
4 party" shall not include a natural parent who has been
5 adjudicated to have raped the other natural parent thereby
6 producing the birth of the child designated in paragraph a
7 of subsection three (3) of section five (5) of this Act.

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

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

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

33 5. A necessary party whose identity is known but whose
34 location or last location is unknown shall be served by
35 published notice. Such notice shall be served according to

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

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

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

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

31 Sec. 7. NEW SECTION. TERMINATION HEARING--FORUM NON
32 CONVIENS.

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

1 thirty-two point twenty-eight (232.28), two hundred thirty-
2 two point thirty (232.30), and two hundred thirty-two point
3 thirty-two (232.32) of the Code and otherwise in accordance
4 with the rules of civil procedure. Such hearing shall be
5 held not less than one week after the child of the parent-
6 child relationship is born.

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

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

20 Sec. 8. NEW SECTION. GROUNDS FOR TERMINATION. The
21 juvenile court shall base its findings and order under section
22 nine (9) of this Act on proof beyond a reasonable doubt.

23 The following shall be, either separately or jointly, grounds
24 for ordering termination of parental rights:

25 1. A parent has signed a release of custody pursuant to
26 section four (4) of this Act and has not petitioned or
27 requested to revoke that release.

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

30 3. A parent has abandoned the child.

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

34 5. A parent is palpably unfit to be a party to the parent-
35 child relationship because of specific conduct before the

1 child, behavior generally, or conditions determined by the
2 juvenile court as likely to be detrimental to the physical
3 or mental health or morals of the child.

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

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

17 Sec. 9. NEW SECTION. TERMINATION FINDINGS AND ORDER--
18 VACATION OF ORDER.

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

- 23 a. The petition be dismissed;
- 24 b. The petition should not be granted at that time, but
25 that conditions of neglect and dependency exist, and an order
26 to that effect is issued pursuant to section two hundred
27 thirty-two point thirty-three (232.33) of the Code; or,
- 28 c. The petition be granted and a guardian and a custodian
29 or a guardian only is appointed.

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

- 35 a. The child is not on placement for adoption or a petition

1 for adoption of the child is not on file; and,
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1 b. The guardian consents in writing to the vacation.
2 The juvenile court shall grant the vacation request if it
3 is in the best interests of the child.

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

7 a. The department.

8 b. The petitioner.

9 c. The parents whose rights have been terminated if they
10 request such copies.

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

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

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

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

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

31 1. An unmarried adult.

32 2. A husband and wife together.

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

35 a. Is the stepparent of the person to be adopted;

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b. Has been separated from the other spouse by reason

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

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

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

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

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

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

9 Sec. 13. NEW SECTION. ATTACHMENTS TO AN ADOPTION PETITION.

10 An adoption petition shall have attached to it the following:

11 1. A certified copy of the birth certificate showing
12 parentage of the person to be adopted or, if such certificate
13 is not available, a verified birth record.

14 2. A copy of any order terminating parental rights with
15 respect to the person to be adopted.

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

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

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

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

- 28 a. Any guardian of the person to be adopted.
- 29 b. The spouse of a petitioner who is a stepparent.
- 30 c. The spouse of a petitioner who is separately petitioning
31 to adopt an adult person.
- 32 d. The person to be adopted if that person is fourteen
33 years of age or older.

34 2. A consent to the adoption shall be in writing, shall
35 name the person to be adopted and the petitioner, shall be

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signed by the person consenting, and shall be made in the

1 following manner:

2 a. If by any minor person to be adopted who is fourteen
3 years of age or older, in the presence of the court in which
4 the adoption petition is filed.

5 b. If by any adult person to be adopted, either in the
6 presence of the court in which the adoption petition is filed
7 or before a notary public.

8 c. 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 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:

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

32 (2) How the prospective
33 adoption petitioner's emotional maturity,
34 finances, health, relationships, and any other relevant factor
35 may affect the petitioner's ability to accept, care, and

1 provide a minor person to be adopted with an adequate
2 environment as that person matures.
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b. A post-placement investigation and a report of this investigation shall:

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

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

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

c. A background information investigation and a report of this investigation shall not disclose the identity of the natural parents of the minor person to be adopted and shall answer the following:

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

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

2. a. A pre-placement investigation and report of the investigation shall be completed and the prospective adoption petitioner approved for a placement by the person making the investigation prior to any agency or independent placement of a minor person in the petitioner's home in

anticipation of an ensuing adoption. A report of a pre-placement investigation that has approved a prospective adoption petitioner for a placement shall not authorize placement of a minor person with that petitioner after one year from the date of the report's issuance.

However, if the prospective adoption

1 petitioner is a stepparent or a relative within the fourth
2 degree of consanguinity who has assumed custody of a minor
3 person to be adopted, a pre-placement investigation of this
4 petitioner and a report of the investigation may be completed
5 at a time established by the court. Also, any investigation
6 and report required under this subsection may be waived by
7 the court if the prospective
8 adoption petitioner is a stepparent or a
9 relative to the person to be adopted within the fourth degree
10 of consanguinity.

11 b. If the person making the investigation does not approve
12 a prospective adoption petitioner
13 under paragraph a of this subsection, the person
14 investigated may appeal the disapproval as a contested case
15 to the commissioner of social services. Judicial review of
16 any adverse decision by the commissioner may be sought pursuant
17 to chapter seventeen A (17A) of the Code.

18 3. The agency making an agency placement shall conduct
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1 the pre-placement investigation and report required under
2 subsection two (2) of this section. The department or an
3 investigator shall conduct all other investigations and reports
4 required under subsection two (2) of this section.

5 4. A postplacement and a background information
6 investigation and the reports of these
7 investigations shall be completed and the reports filed with
8 the court prior to the holding of the adoption
9 hearing prescribed in section nineteen (19) of this Act.
10 Upon the filing of an adoption petition pursuant to section
11 twelve (12) of this Act, the
12 court shall immediately appoint the department, an agency, or an
13 investigator to conduct this investigation and report. Any
14 person, including a juvenile court, who has gained relevant
15 background information concerning a minor person subject to
16 an adoption petition shall, upon request, fully cooperate
17 with the conducting of the background information investigation
18 and report by disclosing any relevant background information,
19 whether contained in sealed records or not.

20 5. Any person conducting an investigation under sub-
21 sections three (3) and four (4) of this section may,
22 in the investigation or subsequent report, include,
23 utilize, or rely upon any reports, studies, or
24 examinations to the extent they are relevant.

25 6. Any person conducting an investigation under subsections
26 three (3) and four (4) may charge a fee which does not exceed
27 the reasonable cost of the services rendered and which is
28 based on a sliding scale schedule relating to the investigated
29 person's ability to pay.

30 7. Any investigation or report required under this section
31 shall not apply when the person to be adopted is an adult.

32 8. Any person designated to make an investigation and
33 report under this section may request an agency or state
34 agency, within or without this state, to conduct a portion
35 of the investigation or the report, as may be appropriate,

1 and to file a supplemental report of such investigation or
2 report with the court.

3 9. The department may investigate, on its own initiative
4 or on order of the court, any placement made or adoption
5 petition filed under this Act and may report its resulting
6 recommendation to the court.

7 10. The department or an agency may conduct any
8 investigations required for an interstate or interagency
9 placement.

10 11. Any person who assists in or impedes the placement
11 or adoption of a minor person in violation of the provisions
12 of this section shall be, upon conviction, guilty of a
13 misdemeanor, and shall be fined not more than one hundred
14 dollars or imprisoned in the county jail for not more than
15 thirty days.

16 Sec. 16. NEW SECTION. REPORT OF EXPENDITURES.
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1 1. An adoption petitioner of a minor person shall file
2 with _____ 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 any thing 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 childbirth, child
26 raising, or delivering the child for adoption. Any person
27 assisting in any way with the placement or adoption of a minor
28 person shall not charge a fee which is more than usual,
29 necessary, and commensurate with the services rendered. If
30 the natural parent receives any prohibited thing of value,
31 if a person gives a prohibited thing of value, or if a person
32 charges a prohibited fee under this subsection, each such
33 person shall be, upon conviction, guilty of a misdemeanor,
34 and shall be fined not more than one hundred dollars or im-
35 prisoned in the county jail for not more than thirty days.

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Sec. 17. NEW SECTION. MINIMUM RESIDENCE OF A MINOR CHILD.
The adoption of a minor person shall not be decreed until

1 that person has lived with the adoption petitioner for a
2 minimum residence period of one hundred eighty days. However,
3 the court may waive this period if the adoption petitioner
4 is a stepparent or related to the minor person within the
5 fourth degree of consanguinity or may shorten this period
6 upon good cause shown when the court is satisfied that the
7 adoption petitioner and the person to be adopted are suited
8 to each other.

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

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

18 2. At least sixty days before the adoption hearing, a
19 copy of the petition and its attachments and a notice of the
20 adoption hearing shall be given by the adoption petitioner
21 to:

- 22 a. A guardian, guardian ad litem, and custodian of, and any
- 23 person in a parent-child relationship with the person to be adopted.
- 24 b. The person to be adopted who is an adult.
- 25 c. The department.
- 26 d. Any person who is designated to make an investigation
- 27 and report under section fifteen (15) of this Act.
- 28 e. Any other person who is required to consent under
- 29 section fourteen (14) of this Act.

30 3. A notice of the adoption hearing shall state the time,
31 place, and purpose of the hearing and shall be given according
32 to the appropriate rules of civil procedure. Proof of the
33 giving of notice shall be filed with the court
34 prior to the adoption hearing and approved by the court prior
35 to issuance of an adoption decree under section twenty (20)

1 of this Act.

2 Sec. 19. NEW SECTION. ADOPTION HEARING.

3 1. An adoption hearing shall be conducted informally as
4 a hearing in equity. The hearing shall be reported.

5 2. Only those persons notified under section eighteen
6 (18) of this Act and their witnesses and legal counsel or
7 persons requested by the court to be present shall be admitted
8 to the court chambers while an adoption hearing is being
9 conducted. The adoption petitioner and the person to be
10 adopted shall be present at the hearing, unless the presence
11 of either is excused by the court.

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

15 Sec. 20. NEW SECTION. ADOPTION DECREES.

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

18 a. Issue a final adoption decree;

19 b. Issue an interlocutory adoption decree; or,

20 c. Dismiss the adoption petition if the requirements of
21 this Act have not been met or if dismissal of the adoption
22 petition is in the best interests of the person whose adoption
23 has been petitioned. Upon dismissal, the court shall determine
24 who is to be guardian or custodian of a minor child, including
25 the adoption petitioner if it is in the best interest of the
26 minor person whose adoption has been petitioned.

27 2. An interlocutory adoption decree automatically becomes
28 a final adoption decree at a date specified by the court in
29 the interlocutory adoption decree which date shall not be
30 less than one hundred eighty days nor more than three hundred
31 sixty days from the date the interlocutory decree is issued.
32 However, an interlocutory adoption decree may be vacated
33 sooner than the date specified in it by the court for good
34 cause shown. Also, the court may provide in the interlocutory
35 adoption decree for further observation, investigation, and

1 report of the conditions of and the relationships between
2 the adoption petitioner and the person petitioned to be
3 adopted.

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

14 4. A final adoption decree terminates any parental rights,
15 except those of a spouse of the adoption petitioner, existing
16 at the time of its issuance and establishes the parent-child
17 relationship between the adoption petitioner and the person
18 petitioned to be adopted. Unless otherwise specified by law,
19 such parent-child relationship shall be deemed to have been
20 created at the birth of the child. However, regardless of
21 the parent-child relationship established by a final adoption
22 decree and of the provisions of section six hundred thirty-
23 three point two hundred twenty-three (633.223) of the Code,
24 if a parent of a child dies and the child is then adopted,
25 the child's right of inheritance from and through the deceased
26 parent is unaffected by an interlocutory or final adoption
27 decree.

28 5. An interlocutory or a final adoption decree shall be
29 entered with the clerk of the court. Such decree shall set
30 forth any facts of the adoption petition which have been
31 proven to the satisfaction of the court and any other facts
32 considered to be relevant by the court and shall grant the
33 adoption petition. If so designated in the adoption decree,
34 the name of the adopted person shall be changed by issuance
35 of that decree. The clerk of the court shall, within thirty

1 days of issuance, deliver one certified copy of any adoption
2 decree to the petitioner, one copy of any adoption abstract
3 to the department and any agency or person making an
4 independent placement who placed a minor person for adoption,
5 and one certification of adoption as prescribed in section
6 one hundred forty-four point nineteen (144.19) of the Code
7 to the state registrar of vital statistics. Upon receipt
8 of the certification, the state registrar shall
9 prepare a new birth certificate pursuant to section
10 one hundred forty-four point twenty-three (144.23) of the
11 Code and deliver to the parents named in the decree and any
12 adult person adopted by the decree a copy of the new birth
13 certificate. The parents shall pay the fee prescribed in
14 section one hundred forty-four point forty-six (144.46) of
15 the Code. If the person adopted was born outside the state,
16 the state registrar shall forward the certification of adoption
17 to the
18 appropriate agency in the state of birth. A copy of any
19 interlocutory adoption decree vacation shall be delivered
20 and another birth certificate shall be prepared in the same
21 manner as a certification of adoption is delivered and the birth
22 certificate was originally prepared.

23 Sec. 21. NEW SECTION. APPEAL. An appeal from any final
24 order or decree rendered under this Act shall be taken in
25 the same manner as an appeal is taken from a final judgment
26 under the rules of civil procedure. However, a rule of civil
27 procedure provision regarding a minimum amount of value in
28 controversy shall not bar an adoption appeal. The supreme
29 court shall review an adoption appeal de novo and shall base
30 its decision on the considerations enumerated in section one
31 (1) of this Act.

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

33 1. A decree terminating a parent-child relationship or
34 establishing a parent-child relationship by adoption which
35 is issued pursuant to due process of law by a court of any

1 other jurisdiction, whether within or without the United
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1 States, shall be recognized in this state.

2 2. If there is a proxy adoption in the minor person's
3 country of origin, a further adoption must occur in the state
4 where the adopting parents reside in accordance with the
5 adoption laws of that state.

6 3. The department may provide necessary assistance to
7 an eligible citizen of Iowa who desires to, in accordance
8 with the immigration laws of the United States, make an
9 international adoption. For any such assistance the department
10 may charge a fee which does not exceed the reasonable cost
11 of services rendered and which is based on a sliding scale
12 relating to the investigated person's ability to pay.

13 4. Any rules of the department relating to placement of
14 a minor child for adoption which are more restrictive than
15 comparable rules of agencies making international
16 placements and laws of the
17 United States shall not be enforced by the department in an
18 international adoption.

19 Sec. 23. NEW SECTION. ADOPTION RECORD.

20 1. Any information compiled under subparagraphs one (1)
21 and two (2) of paragraph c of subsection one (1) of section
22 fifteen (15) of this Act shall be made available at any time
23 by the clerk of the court, the department, or any agency which
24 made the placement to the adopting parents and to the adult
25 adopted child.

26 2. The permanent termination of parental rights record
27 of the juvenile court and the
28 permanent adoption record of the court shall be
29 sealed by the clerk of the juvenile court and the
30 clerk of court when they are complete and after
31 the time for appeal has expired. All papers and records
32 pertaining to a termination of parental rights and to
33 an adoption, whether a part of the permanent
34 termination and
35 adoption records of the juvenile court and

1 of the court or on file with a guardian,
2 guardian ad litem, custodian, person who placed a minor person,
3 or the department shall not be open to inspection and the
4 identity of the natural parents of an adopted person shall
5 not be revealed. However,
6 an agency involved in placement shall contact the adopting
7 parents or the adult adopted child regarding eligibility
8 of the adopted child for benefits based on entitlement of
9 benefits or inheritance from the terminated natural parents.

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1 Also, the clerk of the court may open the permanent adoption
2 record of the court for the adopted person who is an adult
3 and reveal the names of the natural parents upon application
4 to the court if the natural parents have
5 filed an affidavit requesting such revelation. If the
6 adopted person who applies for revelation of the natural
7 parents' name has a sibling who is a minor and who has been
8 adopted by the same parents, the court shall deny such
9 application on the grounds that revelation to the applicant
10 may also indirectly and harmfully permit the same revelation
11 to the applicant's minor sibling. To facilitate
12 the natural parents in filing such affidavit, the department
13 shall, upon request of such parent, file an affidavit in the
14 court in which the adoption records have been sealed.

15 3. Any person, other than the adopting parents or the
16 adopted person, who discloses information in violation of
17 the provisions of this section shall be, upon conviction,
18 guilty of a misdemeanor, and shall be fined not more than
19 one hundred dollars or imprisoned in the county jail for not
20 more than thirty days.

21 Sec. 24. Any termination of parental rights or adoption
22 proceedings pending on the effective date of this Act shall
23 not be affected by the provisions of this Act. This Act shall
24 take effect on January 1, 1976.

25 Sec. 25. Section two hundred thirty-one point three
26 (231.3), unnumbered paragraph two (2), Code 1975, is amended
27 to read as follows:

28 The judge of the juvenile court may appoint a referee in
29 juvenile court proceedings. The referee shall be qualified
30 for his duties by training and experience and shall hold
31 office at the pleasure of the judge. The compensation of
32 the referee shall be fixed by the judge. The judge may direct
33 that any case or class of cases arising under chapter 232
34 or sections three (3) through nine (9) of this Act shall be
35 heard in the first instance by the referee in the manner

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provided for the hearing of cases by the court.

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

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

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

1 Sec. 27. Section two hundred thirty-two point twelve
2 (232.12), Code 1975, is amended to read as follows:

3 232.12 OTHER ISSUES ADJUDICATED. When it appears during
4 the course of any trial, hearing, or proceeding that some
5 action or remedy other than or in addition to those indicated
6 by the application or pleadings appears appropriate, the court
7 may, provided all necessary parties consent, proceed to hear
8 and determine the additional or other issues as though
9 originally properly sought and pleaded. However, if
10 termination of parental rights appears to be the appropriate
11 action or remedy, the provisions of sections three (3) through
12 nine (9) of this Act must be followed.

13 Sec. 28. Section two hundred thirty-two point twenty-seven
14 (232.27), Code 1975, is amended to read as follows:

15 232.27 HEARINGS TO COURT. Hearings on any matter shall
16 be without a jury and may be conducted in an informal manner.
17 Hearings may be continued from time to time and in the interim
18 the court may make such orders as it deems in the best
19 interests of the child. The court shall exclude the general
20 public from hearings and shall admit the news media, except
21 in those cases which in the opinion of the court the best
22 interest of the child and the public are served by a private
23 hearing. The court shall also admit those persons who in
24 the discretion of the court have a direct interest in the
25 case or in the work of the court; except that if the hearing
26 involves a child charged by information or indictment with
27 the commission of a felony, persons having a legitimate
28 interest in the proceedings, including responsible
29 representatives of public information media, shall not be
30 excluded from such hearings. The court may require the
31 presence of witnesses deemed necessary to the disposition
32 of the petition. ~~Adoption-hearings-shall-be-conducted-in~~
33 ~~accordance-with-the-provisions-of-laws-relating-to-adoption-~~

34 Sec. 29. Section two hundred thirty-two point twenty-nine
35 (232.29), Code 1975, is amended to read as follows:

1 232.29 COUNTY ATTORNEY TO PRESENT EVIDFNCE. The county
2 attorney shall present the evidence upon request of the court
3 in all proceedings ~~except-adoptions~~.

4 Sec. 30. Section two hundred thirty-two point thirty-six
5 (232.36), Code 1975, is amended to read as follows:

6 232.36 ORDERS CONTINUE TO MAJORITY OF CHILD. All orders
7 for supervision, custody, or commitment shall be enforced
8 until the minor reaches the age of eighteen years unless
9 otherwise specified by the court. All orders shall be reviewed
10 by the court at least annually unless the court's jurisdiction
11 has been terminated. The court may make on its own motion
12 or on the motion of an interested party and after notice to
13 the parties and a hearing some other disposition of the case
14 so long as the court retains jurisdiction. However, if
15 termination of parental rights is utilized as another
16 disposition of the case, the provisions of sections three
17 (3) through nine (9) of this Act must be followed.

18 Sec. 31. Section two hundred thirty-two point fifty-one
19 (232.51), unnumbered paragraph one (1), Code 1975, is amended
20 to read as follows:

21 Whenever legal custody of a minor is transferred by the
22 court or whenever the minor is placed by the court with someone
23 other than the parents or whenever a minor is given physical
24 or mental examinations or treatment under order of the court
25 and no provision is otherwise made by law for payment for
26 the care, examination, or treatment of the minor, the costs
27 shall be charged upon the funds of the county in which the
28 proceedings are held upon certification of the judge to the
29 board of supervisors. ~~Except-where-the-parent-child-relati-~~
30 ~~on-is-terminated,-the~~ The court may inquire into the ability
31 of the parents to support the minor and after giving the
32 parents a reasonable opportunity to be heard may order the
33 parents to pay in the manner and to whom the court may direct,
34 such sums as will cover in whole or in part the cost of care,
35 examination, or treatment of the minor. If the parents fail

1 to pay the sum without good reason, the parents may be
2 proceeded against for contempt or the court may inform the
3 county attorney who shall proceed against the parents to
4 collect the unpaid sums or both.

5 Sec. 32. Section two hundred thirty-two point sixty-three
6 (232.63), Code 1975, is amended to read as follows:

7 232.63 WHEN JURISDICTION IS EXCLUSIVE. The juvenile court
8 shall have exclusive original jurisdiction, only, in
9 proceedings concerning any child alleged to be delinquent,
10 neglected, or dependent, and in proceedings for termination
11 of parental rights under sections ~~232-41 through 232-59~~ three
12 (3) through nine (9) of this Act, and in proceedings concerning
13 any minor alleged to have been a delinquent prior to having
14 become eighteen years of age except as otherwise provided
15 by law.

16 Sec. 33. Section two hundred thirty-five point three
17 (235.3), subsection three (3), Code 1975, is amended to read
18 as follows:

19 3. Make such rules and regulations as may be necessary
20 or advisable for the supervision of the private child-caring
21 agencies or officers thereof which the state director is
22 empowered to license, inspect and supervise, ~~which rules and~~
23 ~~regulations shall provide that in dealing with any child,~~
24 ~~any officer, employee or agency so dealing shall take into~~
25 ~~consideration the religious faith or affiliations of the child~~
26 ~~or its parents, and that in placing such child it shall be,~~
27 ~~as far as practicable, placed in the home or the care and~~
28 ~~custody of some person holding the same religious faith as~~
29 ~~the parents of such child, or with or through some agency~~
30 ~~or institution controlled by persons of like religious faith~~
31 ~~with the parents of said child.~~

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

35 Nothing herein shall prohibit the state director from

1 disclosing such facts to such proper persons as may be in
2 the interest of a child cared for by such agency or in the
3 interest of the child's parents or foster parents and not
4 inimical to the child, or as may be necessary to protect the
5 interests of the child's prospective foster parents. However,
6 disclosure of adoption records shall be governed by the
7 provisions of section twenty-three (23) of this Act.

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

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

15 Sec. 36. Sections two hundred thirty-two point forty
16 (232.40) through two hundred thirty-two point fifty (232.50),
17 inclusive, section two hundred thirty-two point sixty (232.60),
18 and sections two hundred thirty-eight point twenty-five
19 (238.25) through two hundred thirty-eight point twenty-nine
20 (238.29), inclusive, Code 1975, are repealed.

21 Sec. 37. Section six hundred point one (600.1) through
22 six hundred point ten (600.10), inclusive, Code 1975, are
23 amended by striking the sections and inserting in lieu thereof
24 sections one (1) through twenty-three (23), inclusive, of
25 this Act.

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S-5454

1 Amend the Committee on Human Resources amendment,
 2 S-5346, to House File 614, as amended, passed and
 3 reprinted by the House as follows:
 4 1. Page 4, by striking the word "juvenile"
 5 wherever it appears on the page, except in line 48.
 6 2. Page 5, line 2, by inserting after the word
 7 "with" the words "and the termination action
 8 maintained, as if in the appropriate court, in".,
 9 3. Page 5, line 28, by striking the word
 10 "juvenile".
 11 4. Page 5, line 39, by striking the word
 12 "juvenile".
 13 5. Page 6, line 40, by striking the word
 14 "juvenile".
 15 6. Page 6, line 49, by striking the word
 16 "juvenile".
 17 7. Page 7, line 1, by striking the word
 18 "juvenile".
 19 8. Page 7, line 24, by striking the word
 20 "juvenile".
 21 9. Page 7, line 26, by striking the word
 22 "juvenile".
 23 10. Page 7, line 32, by striking the word
 24 "juvenile".
 25 11. Page 8, line 3, by striking the word
 26 "juvenile".
 27 12. Page 8, line 23, by striking the word
 28 "juvenile".
 29 13. Page 8, line 32, by striking the word
 30 "juvenile".
 31 14. Page 8, line 41, by striking the word
 32 "juvenile".
 33 15. Page 8, line 50, by striking the word
 34 "juvenile".
 35 16. Page 9, line 4, by striking the word
 36 "juvenile".
 37 17. Page 19, line 27, by striking the word
 38 "juvenile".
 39 18. Page 19, line 29, by striking the word
 40 "juvenile".
 41 19. Page 19, line 30, by striking the words "and
 42 the clerk of court, as appropriate,".
 43 20. Page 19, line 36, by striking the words "of
 44 the juvenile court and".
 45 21. Page 20, by striking lines 38 through 50.
 46 22. Page 23, by striking lines 5 through 7 and
 47 inserting in lieu thereof the following: "to be in
 48 need of assistance, and in proceedings for termina-
 49 tion of parental rights under sections 232-44 through
 50 232-58, and in"

S-5454 FILED & LOST 15-28 4/5 (1172)
 APRIL 5, 1976

ELIZABETH SHAW

S-3991

1 Amend House File 614, as amended and passed by
2 the House and reprinted, as follows:
3 1. Page 3, line 34, by striking the number "1."
4 2. Page 4, by striking everything in lines 2
5 through 10, inclusive; and inserting in lieu thereof
6 the following:
7 "ten (10) of this Act. However, this section shall
8 not apply to the parent-".
9 3. Page 5, by striking everything in lines 26
10 through 30, inclusive, and inserting in lieu thereof
11 the following:
12 ". If written demand for revocation of the release
13 is served upon the custodian within ten days of the
14 birth of the child subject to the release, the juvenile
15 court shall order the release revoked. If such demand
16 is not made within this ten-day period, the juvenile
17 court shall order the release revoked only upon a
18 showing of fraud, misrepresentation, duress, or mistake
19 of fact or law."
20 4. Page 9, line 5, by striking the words "one
21 week" and inserting in lieu thereof the words "ten
22 days".
23 5. Page 9, line 22, by inserting before the word
24 "proof" the words "clear and convincing" and by
25 striking the words "beyond a reasonable doubt".
26 6. Page 16, line 24, by inserting after the period
27 the following:
28 "Also, such person shall, prior to making any of
29 these investigations, fully apprise the person being
30 investigated of the information which will be collected
31 and the method of collecting this information which
32 will be utilized to complete the investigation."

S-3991 FILED
JUNE 2, 1975

*Repealed out of
order with
adoption of 5346*

BY COMMITTEE ON HUMAN RESOURCES
WILLIAM E. GLUBA, CHAIRMAN

HOUSE FILE 614

S-5456

1 Amend the Committee on Human Resources amendment
2 S-5346, to House File 614 as amended, passed and
3 reprinted by the House as follows:
4 1. Page 5, line 13 by striking the words "loco
5 parentis", and inserting in lieu thereof the words
6 "the place of the parents".

S-5456 FILED & ADOPTED (1171)
APRIL 5, 1976

BY JAMES M. REDMOND

S-5444

- 1 Amend the Committee on Human Resources amendment,
- 2 S-5346, to House File 614, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 4, line 12, by striking the word
- 5 "juvenile".
- 6 2. Page 4, line 17, by striking the word
- 7 "juvenile".
- 8 3. Page 4, line 26, by striking the word
- 9 "juvenile".
- 10 4. Page 4, line 31, by striking the word
- 11 "juvenile".
- 12 5. Page 4, line 35, by striking the word
- 13 "juvenile".
- 14 6. Page 4, line 46, by striking the word
- 15 "juvenile".
- 16 7. Page 5, line 2, by inserting after the word
- 17 "with" the words "and the termination action
- 18 maintained, as if in the appropriate court, in".
- 19 8. Page 5, line 28, by striking the word
- 20 "juvenile".
- 21 9. Page 5, line 39, by striking the word
- 22 "juvenile".
- 23 10. Page 6, line 40, by striking the word
- 24 "juvenile".
- 25 11. Page 6, line 49, by striking the word
- 26 "juvenile".
- 27 12. Page 7, line 1, by striking the word
- 28 "juvenile".
- 29 13. Page 7, line 24, by striking the word
- 30 "juvenile".
- 31 14. Page 7, line 26, by striking the word
- 32 "juvenile".
- 33 15. Page 7, line 32, by striking the word
- 34 "juvenile".
- 35 16. Page 8, line 3, by striking the word
- 36 "juvenile".
- 37 17. Page 8, line 23, by striking the word
- 38 "juvenile".
- 39 18. Page 8, line 32, by striking the word
- 40 "juvenile".
- 41 19. Page 8, line 41, by striking the word
- 42 "juvenile".
- 43 20. Page 8, line 50, by striking the word
- 44 "juvenile".
- 45 21. Page 9, line 4, by striking the word
- 46 "juvenile".
- 47 22. Page 19, line 27, by striking the word
- 48 "juvenile".
- 49 23. Page 19, line 29, by striking the word
- 50 "juvenile".

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- 2 24. Page 19, line 30, by striking the words "and
- 3 the clerk of court, as appropriate,".
- 4 25. Page 19, line 36, by striking the words "of
- 5 the juvenile court and".
- 6 26. Page 20, by striking lines 38 through 50.
- 7 27. Page 23, by striking lines 5 through 7 and
- 8 inserting in lieu thereof the following: "to be in
- 9 need of assistance, and-in-proceedings-for-termina-
- 10 tion-of-parental-rights-under-sections-232-41-through

S-5444 FILED & WITHDRAWN (1168)
APRIL 5, 1976

BY ELIZABETH SHAW

S-5445

- 1 Amend the Committee on Human Resources amendment,
- 2 S-5346, to House File 614, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 9, by striking lines 40 through 46.
- 5 2. Page 9, line 47, by striking the number "3"
- 6 and inserting in lieu thereof the number "2".

S-5445 FILED & WITHDRAWN (1168)
APRIL 5, 1976

BY RICHARD R. RAMSEY

S-5446

- 1 Amend the Committee on Human Resources amendment,
- 2 S-5346, to House File 614, as amended, passed and
- 3 reprinted by the House, page 5, line 37, by inserting
- 4 after the word "Act" the words ", unless these natural
- 5 parents are married".

S-5446 FILED & WITHDRAWN (1167)
APRIL 5, 1976

BY RICHARD R. RAMSEY

S-5448

- 1 Amend the Committee on Human Resources Amendment,
- 2 S-5346, to House File 614, as amended, passed and
- 3 reprinted by the House as follows:
- 4 5. Page 3, by striking lines 17 through 20, and
- 5 inserting in lieu thereof the following:
- 6 "17. "Independent placement" means placement of
- 7 a minor person by a person who is not an agency in
- 8 the home of a proposed parent in anticipation of an
- 9 ensuing adoption."

S-5448 FILED & ADOPTED (1167)
APRIL 5, 1976

BY JAMES M. REDMOND

S-5443

1 Amend the Committee on Human Resources amend-
2 ment, S-5346, to House File 614 as amended, passed
3 and reprinted by the House as follows:

4 1. Page 1, line 12, by striking the words
5 "loco parentis", and inserting in lieu thereof the
6 words "the place of the parents".

S-5443B
ADOPTED

7 2. Page 2, by striking lines 1 through 20.

S-5443B

8 3. Page 2, line 26, by striking the words
9 "The rights and duties".

LOST

10 4. Page 2, by striking lines 27 through 40.

11 5. Page 3, by striking lines 17 through 20,
12 and inserting in lieu thereof the following:

S-5443C
WITHDRAWN

13 "17. "Independent placement" means placement
14 by a person who is not an agency of a minor person
15 in the home of a proposed parent in anticipation of
16 an ensuing adoption."

17 6. Page 3, by inserting after line 27 the fol-
18 lowing new sections.

S-5443E
LOST

19 "Sec. ____ . NEW SECTION 1. Unless otherwise en-
20 larged or circumscribed by a court or juvenile court
21 having jurisdiction over the minor child or by oper-
22 ation of law, the rights and duties of a guardian
23 with respect to a minor child shall be as follows:

24 a. To consent to marriage, enlistment in the
25 armed forces of the United States, or medical, psy-
26 chiatric, or surgical treatment.

27 b. To serve as guardian ad litem, unless the
28 interests of the guardian conflict with the interests
29 of the minor child or unless another person has been
30 appointed guardian ad litem.

31 c. To serve as custodian, unless another person
32 has been appointed custodian.

33 d. To make reasonable visitations if the guar-
34 dian does not have physical possession or custody of
35 the minor child.

36 e. To consent to adoption and to make any other
37 decision that the parents could have made when the
38 parent-child relationship existed.

39 Sec. ____ . The rights and duties of a custodian
40 with respect to a child shall be as follows:

41 a. To maintain or transfer to another the
42 physical possession of that child.

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

44 c. To provide food, clothing, housing, and or-
45 dinary medical care for that child.

46 d. To consent to emergency medical care, including
47 surgery.

48 e. To sign a release of medical information to
49 a health professional. All rights and duties of a custodian
50 shall be subject to any residual rights and duties re-

S-5443D
ADOPTED

1 maining in a parent or guardian."
 2 7. Page 4, by striking lines 22 through 33 and
 3 inserting in lieu thereof the following:
 4 "4. A parent who signs a release of custody
 5 may petition, within the time prior to the filing of
 6 a petition for termination of parental rights, or
 7 may request, at the hearing on termination of parental
 8 rights the juvenile court designated in section five
 9 (5) of this Act, to order the release revoked and
 10 the release shall be revoked unless good cause is
 11 shown for not revoking the release."
 12 8. Renumber the sections and correct the in-
 13 ternal references as necessary.

S-5443 FILED *A and D - Adopted 4/5 (1165, 1166)*
APRIL 5, 1976 *B - Lost*

BY JAMES M. REDMOND

C. Withdrawn

S-5447

1 Amend the Committee on Human Resources amendment,
 2 S-5346, to House File 614, as amended, passed and
 3 reprinted by the House, page 4, by striking lines
 4 23 through 33 and inserting in lieu thereof the
 5 following: "revoke the release by filing, within
 6 seventy-two hours after signing the release, a written
 7 revocation with the juvenile court designated in
 8 section five (5) of this Act. If a written revocation
 9 is not so filed, a parent who signs a release of
 10 custody may petition, in the time prior to the filing
 11 of a petition for termination of parental rights,
 12 or may request, at the hearing on termination of
 13 parental rights, the juvenile court designated in
 14 section five (5) of this Act to order the release
 15 revoked. The juvenile court shall order the release
 16 revoked only if it is shown by clear and convincing
 17 evidence that the release was obtained by fraud,
 18 duress, or misrepresentation."

S-5447 FILED & RULED OUT OF ORDER
APRIL 5, 1976 *with adoption of 5443 D* RICHARD R. RAMSEY

S-5449

1 Amend the Committee on Human Resources amendment,
 2 S-5346, to House File 614, as amended, passed and
 3 reprinted by the House, page 5, line 37, by inserting
 4 after the word "Act" the words ", unless these biological
 5 parents are married".

S-5449 FILED & LOST *19-24 4/2 (1168)*
APRIL 5, 1976

BY RICHARD R. RAMSEY

S-5434

- 1 Amend the Committee on Human Resources amendment
2 S-5346 to House File 614 as amended, passed, and
3 reprinted by the House as follows:
- 4 1. Page 1, line 34, by striking the word "Natural"
5 and inserting in lieu thereof the word "Biological".
 - 6 2. Page 5, line 33, by striking the word "natural"
7 and inserting in lieu thereof the word "biological".
 - 8 3. Page 5, line 35, by striking the word "natural"
9 and inserting in lieu thereof the word "biological".
 - 10 4. Page 9, line 20, by striking the word "natural"
11 and inserting in lieu thereof the word "biological".
 - 12 5. Page 12, line 48, by striking the word "natural"
13 and inserting in lieu thereof the word "biological".
 - 14 6. Page 15, line 3, by striking the word "natural"
15 and inserting in lieu thereof the word "biological".
 - 16 7. Page 15, line 8, by striking the word "natural"
17 and inserting in lieu thereof the word "biological".
 - 18 8. Page 15, line 12, by striking the word "natural"
19 and inserting in lieu thereof the word "biological".
 - 20 9. Page 15, line 13, by striking the word "natural"
21 and inserting in lieu thereof the word "biological".
 - 22 10. Page 15, line 17, by striking the word
23 "natural" and inserting in lieu thereof the word
24 "biological".
 - 25 11. Page 15, line 22, by striking the word
26 "natural" and inserting in lieu thereof the word
27 "biological".
 - 28 12. Page 19, line 40, by striking the word
29 "natural" and inserting in lieu thereof the word
30 "biological".
 - 31 13. Page 19, line 45, by striking the word
32 "natural" and inserting in lieu thereof the word
33 "biological".
 - 34 14. Page 19, line 50, by striking the word
35 "natural" and inserting in lieu thereof the word
36 "biological".
 - 37 15. Page 20, line 1, by striking the word "natural"
38 and inserting in lieu thereof the word "biological".
 - 39 16. Page 20, line 4, by striking the word "natural"
40 and inserting in lieu thereof the word "biological".
 - 41 17. Page 20, line 10, by striking the word
42 "natural" and inserting in lieu thereof the word
43 "biological".
 - 44 18. Page 20, line 31, by striking the words
45 "natural" and inserting in lieu thereof the word
46 "biological".

S-5434 FILED - *Adopted 4/5 (1159)*
APRIL 1, 1976

BY EARL M. WILLITS

HOUSE FILE 614

5441

- 1 Amend the Committee on Human Resources amendment,
- 2 S-5346, to House File 614, as amended and passed by
- 3 the House and reprinted, as follows:
- 4 1. Page 20, by inserting after line 13 the
- 5 following:
- 6 "3. Notwithstanding any other provision in this
- 7 section, the juvenile court or court may, upon
- 8 competent medical evidence, open termination or
- 9 adoption records if opening is shown to be necessary
- 10 to save the life of or prevent irreparable physical
- 11 harm to an adopted person or the person's offspring.
- 12 The juvenile court or court shall make every reasonable
- 13 effort to prevent the identity of the biological parents
- 14 from becoming revealed under this subsection to the
- 15 adopted person. The juvenile court or court may,
- 16 however, permit revelation of the identity of the
- 17 biological parents to medical personnel attending the
- 18 adopted person or the person's offspring. These
- 19 medical personnel shall make every reasonable effort
- 20 to prevent the identity of the biological parents from
- 21 becoming revealed to the adopted person."
- 22 2. Page 20, line 14, by striking the number "3"
- 23 and inserting in lieu thereof the number "4".

S-5441 FILED & ADOPTED (1161)
APRIL 5, 1976

EARL M. WILLITS

HOUSE FILE 614

S-5442

- 1 Amend the Committee on Human Resources amendment,
- 2 S-5346, to House File 614, as amended, passed and
- 3 reprinted by the House, page 4, by striking lines
- 4 27 through 33 and inserting in lieu thereof the words
- 5 "of this Act to order the release revoked upon a
- 6 showing of fraud, misrepresentation, or duress."

S-5442 FILED & RULED OUT OF ORDER

APRIL 5, 1976 *with adoption of 5443*

BY ELIZABETH SHAW

S-5452

- 1 Amend the Committee on Human Resources amend-
- 2 ment, S-5346, to House File 614 as amended, passed
- 3 and reprinted by the House by striking the word
- 4 "juvenile" wherever it appears, except on page 1,
- 5 line 41; page 1, line 45; page 2, line 2; page 2,
- 6 line 25; page 2, line 42; page 3, line 5; page 4,
- 7 line 48; and page 5, line 2.

S-5452 FILED & WITHDRAWN

BY ELIZABETH SHAW

S-5425

1 Amend the Committee on Human Resources amendment,
2 S-5346, to House File 614, as amended, passed, and
3 reprinted by the House, as follows:

4 1. Page 5, line 37, by inserting after the word
5 "Act". the following: "or a parent, unless this parent:
6 a. Is listed on the birth certificate or verified
7 birth record of the child subject to the termination
8 action;
9 b. Was married, within three hundred twenty-five
10 days before or ten days after the child's birth, to
11 a parent listed on the birth certificate or verified
12 birth record of the child subject to the termination
13 action;
14 c. Is openly living with the child subject to
15 the termination action or a parent listed on the birth
16 certificate or verified birth record of this child;
17 d. Has been adjudicated to be a parent of the
18 child subject to the termination action;
19 e. Has substantially supported the child subject
20 to the termination action; or
21 f. Has filed with the state registrar of vital
22 statistics, before a termination petition affecting
23 this person has been filed, a request for notice under
24 this section. This request shall include the name
25 and last known address of the other parent and, if
26 known, the month and year of the child's birth."
27 2. Page 6, by inserting after line 10 the
28 following:
29 "4. The juvenile court shall require that every
30 reasonable effort is made to identify, locate, and
31 notice a necessary party."
32 3. Page 6, line 11, by striking the number "4"
33 and inserting in lieu thereof the number "5".
34 4. Page 6, line 27, by striking the number "5"
35 and inserting in lieu thereof the number "6".
36 5. Page 6, by striking lines 40 through 47.
37 6. Page 20, by inserting after line 21 the
38 following:
39 "Sec. _____. Section one hundred forty-four point
40 one (144.1), subsection six (6), Code 1975, is amended
41 to read as follows:
42 6. "Vital statistics" means records of births,
43 deaths, fetal deaths, adoptions, marriages, divorces,
44 annulments, requests made under paragraph f of
45 subsection one (1) of section six (6) of this Act,
46 and data related thereto.
47 Sec. _____. Section one hundred forty-four point
48 two (144.2), Code 1975, is amended to read as follows:
49 144.2 DIVISION OF RECORDS AND STATISTICS. There
50 is hereby established in the department a division

1 for records and statistics which shall install,
 2 maintain, and operate the system of vital statistics
 3 throughout the state. No system for the registration
 4 of births,--deaths,--fetal-deaths,--adoptions,--marriages,
 5 divorces,--and-annulments vital statistics, shall be
 6 maintained in the state or any of its political
 7 subdivisions other than the one provided for in this
 8 chapter. Suitable quarters shall be provided for
 9 the division by the executive council at the seat
 10 of government. The quarters shall be properly equipped
 11 for the permanent and safe preservation of all official
 12 records made and returned under this chapter.

13 Sec. _____. Section one hundred forty-four point
 14 forty-three (144.43), unnumbered paragraph one (1),
 15 Code 1975, is amended to read as follows:

16 To protect the integrity of vital statistics
 17 records, to insure their proper use, and to insure
 18 the efficient and proper administration of the vital
 19 statistics system kept by the state registrar, access
 20 to vital statistics records kept by the state registrar
 21 shall be limited to the state registrar and his
 22 employees, and then only for administrative purposes.
 23 It shall be unlawful for the state registrar to permit
 24 inspection of, or to disclose information contained
 25 in vital statistics records, or to copy or permit
 26 to be copied all or part of any such record except
 27 as authorized by regulation. However, requests for
 28 notification of a termination action shall be made
 29 available to the appropriate juvenile court, but shall
 30 not be made available in any other action for any
 31 other purpose.

32 Sec. _____. Chapter one hundred forty-four (144),
 33 Code 1975, is amended by adding the following new
 34 section:

35 NEW SECTION. A request made under paragraph f
 36 of subsection one (1) of section six (6) of this Act
 37 shall be destroyed nineteen years after it is filed
 38 or upon request of the person who filed the request."

S-5425 FILED - *Adopted 4/5 24-14 (162)*
 MARCH 30, 1976

BY MINNETTE F. DODERER
 E. KEVIN KELLY
 EARL M. WILLITS

S-5430

1 Amend the Committee on Human Resources amendment,
 2 S-5346, to House File 614, as amended and passed by
 3 the House and reprinted, page 17, by striking lines
 4 35 through 43 and inserting in lieu thereof the words
 5 "have been created at the birth of the child."

S-5430 FILED - *Adopted 4/5 (163)*
 MARCH 30, 1976

BY RICHARD R. RAMSEY

S-5346

1 Amend House File 614, as amended and passed by
2 the House and reprinted, by striking everything after
3 the enacting clause and inserting in lieu thereof
4 the following:

5 "DIVISION I

6 Section 1. NEW SECTION. CONSTRUCTION. This
7 division shall be construed liberally. The welfare
8 of the child subject to the proceedings of this
9 division shall be the paramount consideration in
10 interpreting this division. However, the interests
11 of the parents of this child or any natural person
12 standing in loco parentis to this child shall be given
13 due consideration in this interpretation.

14 Sec. 2. NEW SECTION. DEFINITIONS. As used in
15 this division:

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

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

20 3. "Parent-child relationship" means the
21 relationship between a parent and a child recognized
22 by the law as conferring certain rights and privileges
23 and imposing certain duties. The term extends equally
24 to every child and every parent, regardless of the
25 marital status of the parents of the child. The
26 rights, duties, and privileges recognized in the
27 parent-child relationship include those which are
28 maintained by a guardian, custodian, and guardian
29 ad litem.

30 4. "Termination of parental rights" means a
31 complete severance and extinguishment of a parent-
32 child relationship between one or both living parents
33 and the child.

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

36 6. "Stepparent" means a person who is the spouse
37 of a parent in a parent-child relationship, but who
38 is not a parent in that parent-child relationship.

39 7. "Guardian" means a person who is not the parent
40 of a minor child, but who has been appointed by a
41 court or juvenile court having jurisdiction over the
42 minor child to make important decisions which have
43 permanent effect on the life and development of that
44 child and to promote the general welfare of that
45 child. A guardian may be a court or a juvenile court.
46 Guardian does not mean conservator, as defined in
47 section six hundred thirty-three point three (633.3)
48 of the Code, although a person who is appointed to
49 be a guardian may also be appointed to be a
50 conservator.

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

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

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

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

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

18 e. To consent to adoption and to make any other
19 decision that the parents could have made when the
20 parent-child relationship existed.

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

29 a. To maintain or transfer to another the physical
30 possession of that child.

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

32 c. To provide food, clothing, housing, and ordinary
33 medical care for that child.

34 d. To consent to emergency medical care, including
35 surgery.

36 e. To sign a release of medical information to
37 a health professional.

38 All rights and duties of a custodian shall be subject
39 to any residual rights and duties remaining in a
40 parent or guardian.

41 9. "Guardian ad litem" means a person appointed
42 by a court or juvenile court having jurisdiction over
43 the minor child to represent that child in a legal
44 action.

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

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

49 12. "Agency" means a child-placing agency as
50 defined in section two hundred thirty-eight point

1 two (238.2) of the Code or the department.

2 13. "Department" means the state department of
3 social services or its subdivisions.

4 14. "Court" means a district court.

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

8 16. "To abandon a minor child" means to permanently
9 relinquish or surrender, without reference to any
10 particular person, the parental rights, duties, or
11 privileges inherent in the parent-child relationship.
12 The term includes both the intention to abandon and
13 the acts by which the intention is evidenced. The
14 term does not require that the relinquishment or
15 surrender be over a long or any particular period
16 of time.

17 17. "Independent placement" means a placement
18 of a minor person in the home of a proposed parent
19 in anticipation of an ensuing adoption by a person
20 who is not an agency.

21 Sec. 3. NEW SECTION. EXCLUSIVITY. Termination
22 of parental rights shall be accomplished only according
23 to the provisions of this division. However,
24 termination of parental rights between an adult child
25 and the child's parents may be accomplished by a
26 decree of adoption establishing a new parent-child
27 relationship.

28 Sec. 4. NEW SECTION. RELATIONSHIP UNALTERED--
29 RELEASE OF CUSTODY--VOLUNTARINESS OF RELEASE.

30 1. A parent shall not permanently alter the parent-
31 child relationship, except as ordered by a juvenile
32 court or court. However, custody of a minor child
33 may be assumed by a stepparent or a relative of that
34 child within the fourth degree of consanguinity or
35 transferred by an acceptance of a release of custody.
36 A person who assumes custody or who accepts a release
37 of custody under this section becomes, upon assumption
38 or acceptance, the custodian of the minor child.

39 2. A release of custody:

40 a. Shall be accepted only by an agency or a person
41 making an independent placement.

42 b. Shall not be accepted by a person who in any
43 way intends to adopt the child who is the subject
44 of the release.

45 c. Shall be in writing.

46 d. Shall be signed, not less than seventy-two
47 hours after the birth of the child to be released,
48 by all living parents.

49 e. Shall be witnessed by two persons familiar
50 with the parent-child relationship.

1 f. Shall name the person who is accepting the
2 release.

3 g. Shall be followed, within a reasonable time,
4 by the filing of a petition for termination of parental
5 rights under section five (5) of this Act.

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

22 4. A parent who signs a release of custody may
23 petition, in the time prior to the filing of a petition
24 for termination of parental rights, or may request,
25 at the hearing on termination of parental rights,
26 the juvenile court designated in section five (5)
27 of this Act to order the release revoked for good
28 cause shown or because it was not obtained voluntarily
29 or with a full understanding of the material facts.
30 Upon the issue of voluntariness of the release, the
31 juvenile court shall consider all relevant factors,
32 including coercion exerted by any person, in
33 determining the voluntariness of the release.

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

35 1. The following persons may petition a juvenile
36 court for termination of parental rights if the child
37 of the parent-child relationship is born or expected
38 to be born within one hundred eighty days of the date
39 of petition filing:

- 40 a. A parent of the parent-child relationship.
41 b. A custodian or guardian of the child.
42 c. Any other person who has knowledge of
43 circumstances indicating that the parent-child
44 relationship should be terminated.

45 2. A petition for termination of parental rights
46 shall be filed with the juvenile court in which the
47 guardian or custodian of the child resides or the
48 child is domiciled. However, if a juvenile court
49 has made an order pertaining to a minor child under
50 section two hundred thirty-two point thirty-three

1 (232.33) of the Code and that order is still in force,
2 the petition shall be filed with that juvenile court.

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

5 a. The legal name, age, and domicile, if any,
6 of the child.

7 b. The names, residences, and domicile of any:

8 (1) Living parents of the child.

9 (2) Guardian of the child.

10 (3) Custodian of the child.

11 (4) Guardian ad litem of the child.

12 (5) Petitioner.

13 (6) Person standing in loco parentis to the child.

14 c. A plain statement of the facts and grounds
15 in section eight (8) of this Act which indicate that
16 the parent-child relationship should be terminated.

17 d. A plain statement explaining why the petitioner
18 does not know any of the information required under
19 paragraphs a and b of this subsection.

20 e. The signature and verification of the
21 petitioner.

22 Sec. 6. NEW SECTION. NOTICE OF TERMINATION
23 HEARING.

24 1. A termination of parental rights shall, unless
25 provided otherwise in this section, be effectuated
26 only after notice has been served on all necessary
27 parties and these parties have been given an oppor-
28 tunity to be heard before the juvenile court. A
29 "necessary party" includes any person whose name,
30 residence, and domicile is required to be included
31 on the petition under paragraphs a and b of subsection
32 three (3) of section five (5) of this Act. However,
33 a "necessary party" does not include a natural parent
34 who has been adjudicated to have raped the other
35 natural parent thereby producing the birth of the
36 child designated in paragraph a of subsection three
37 (3) of section five (5) of this Act.

38 2. Prior to the service of notice on the necessary
39 parties, the juvenile court shall appoint a guardian
40 ad litem for a minor child if the child does not have
41 a guardian or guardian ad litem or if the interests
42 of the guardian or guardian ad litem conflict with
43 the interests of the child. Such guardian ad litem
44 shall be a necessary party under subsection one (1)
45 of this section.

46 3. Notice under this section may be served
47 personally or constructively, as specified under
48 subsections four (4), five (5), and six (6) of this
49 section. This notice shall state:

50 a. The time and place of the hearing on termination

1 of parental rights.

2 b. A clear statement of the purpose of the action
3 and hearing.

4 c. A clear statement of the possible consequences
5 to the parent and child.

6 d. The alleged factual basis which indicates that
7 the parent-child relationship should be terminated.

8 e. The grounds in section eight (8) of this Act
9 upon which termination may be ordered pursuant to
10 the factual basis alleged.

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

27 5. A necessary party whose identity is known but
28 whose location or last location is unknown shall be
29 served by published notice. Such notice shall be
30 served according to the rules of civil procedure
31 relating to an original notice where not inconsistent
32 with the provisions of this section. In addition
33 to the requirements of subsection three (3) of this
34 section, such notice shall include only the name of
35 the unlocated necessary party being noticed. Notice
36 by publication shall be published once a week for
37 two consecutive weeks, the last publication to be
38 not less than seven days prior to the hearing on
39 termination of parental rights.

40 6. The juvenile court shall require that every
41 reasonable effort is made to identify, locate, and
42 notice an unidentified and unlocated necessary party.
43 If the court reasonably concludes, upon a proper
44 showing, that the identity and location of the necessary
45 party has not been determined, the court may, upon
46 proper findings and order entered of record, dispense
47 with notice to this necessary party.

48 7. Proof of service of notice in the manner
49 prescribed shall be filed with the juvenile court
50 prior to the hearing on termination of parental rights

1 and approved by the juvenile court prior to issuance
2 of a termination order under section eight (8) of
3 this Act.

4 Sec. 7. NEW SECTION. TERMINATION HEARING--FORUM
5 NON CONVENIENS.

6 1. The hearing on termination of parental rights
7 shall be conducted in accordance to the provisions
8 of sections two hundred thirty-two point twenty-seven
9 (232.27), two hundred thirty-two point twenty-eight
10 (232.28), two hundred thirty-two point thirty (232.30),
11 and two hundred thirty-two point thirty-two (232.32)
12 of the Code and otherwise in accordance with the rules
13 of civil procedure. Such hearing shall be held not
14 less than one week after the child of the parent-child
15 relationship is born.

16 2. Relevant information, including that contained
17 in reports, studies, or examinations and testified
18 to by interested persons, may be admitted into evidence
19 at the hearing and relied upon to the extent of its
20 probative value. When such information is so admitted,
21 the person sponsoring it or testifying shall be subject
22 to both direct and cross-examination by a necessary
23 party.

24 3. If the juvenile court finds that in the interest
25 of substantial justice the hearing on termination
26 of parental rights should be heard by another juvenile
27 court, it may transfer, stay, or dismiss the
28 proceedings in whole or part on any conditions that
29 are just so long as a good faith attempt is made to
30 notify all necessary parties.

31 Sec. 8. NEW SECTION. GROUNDS FOR TERMINATION.
32 The juvenile court shall base its findings and order
33 under section nine (9) of this Act on clear and
34 convincing proof. The following shall be, either
35 separately or jointly, grounds for ordering termination
36 of parental rights:

37 1. A parent has signed a release of custody
38 pursuant to section four (4) of this Act and the
39 release has not been revoked.

40 2. A parent has petitioned for the parent's
41 termination of parental rights pursuant to section
42 five (5) of this Act.

43 3. A parent has abandoned the child.

44 4. A parent has substantially, continuously, or
45 repeatedly refused or neglected to comply with the
46 duties imposed upon that parent by the parent-child
47 relationship.

48 5. A parent is palpably unfit to be a party to
49 the parent-child relationship because of a consistent
50 pattern of specific conduct before the child or of

1 specific conditions directly relating to the parent-
2 child relationship either of which are determined
3 by the juvenile court to be permanently detrimental
4 to the physical or mental health of the child.

5 6. If, following an adjudication that the child
6 is in need of assistance under chapter two hundred
7 thirty-two (232) of the Code, reasonable efforts under
8 the direction of the juvenile court have failed to
9 correct the conditions giving rise to this
10 adjudication.

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

20 Sec. 9. NEW SECTION. TERMINATION FINDINGS AND
21 ORDER--VACATION OF ORDER.

22 1. Subsequent to the hearing on termination of
23 parental rights, the juvenile court shall make a
24 finding of facts and shall order that either:

25 a. The petition be dismissed;

26 b. The petition should not be granted at that
27 time, but that conditions indicating that the child
28 is in need of assistance exist, and an order to that
29 effect is issued pursuant to section two hundred
30 thirty-two point thirty-three (232.33) of the Code;
31 or,

32 c. The petition be granted. The juvenile court
33 shall appoint a guardian and a custodian or a guardian
34 only. An order issued under this paragraph shall
35 include the finding of facts. This finding shall
36 enumerate the factual basis which indicates that the
37 parent-child relationship should be terminated and
38 shall specify how this finding applies to the grounds
39 upon which the termination is ordered.

40 2. If an order is issued under paragraph c of
41 subsection one (1) of this section, the juvenile court
42 shall retain jurisdiction to change a guardian or
43 custodian and to allow a terminated parent to request
44 vacation of the termination order if:

45 a. The child is not on placement for adoption
46 or a petition for adoption of the child is not on
47 file; and,

48 b. The guardian consents in writing to the
49 vacation.

50 The juvenile court shall grant the vacation request

- 1 if it is in the best interest of the child.
2 3. A copy of any findings of fact and order made
3 under this section shall be sent by the clerk of the
4 juvenile court to:
5 a. The department.
6 b. The petitioner.
7 c. The parents whose rights have been terminated
8 if they request such copies.
9 d. Any guardian, custodian, or guardian ad litem
10 of the child.

11 DIVISION II

12 Sec. 10. NEW SECTION. CONSTRUCTION. This division
13 shall be construed liberally. The welfare of the
14 person to be adopted shall be the paramount
15 consideration in interpreting this division. However,
16 the interests of the adopting parents shall be given
17 due consideration in this interpretation.

18 Sec. 11. NEW SECTION. DEFINITIONS.

19 1. "Child", "parent", "parent-child relationship",
20 "termination of parental rights", "natural parent",
21 "stepparent", "guardian", "custodian", "guardian ad
22 litem", "minor", "adult", "agency", "department",
23 "court", "juvenile court", "independent placement"
24 mean the same as defined in section two (2) of this
25 Act.

26 2. "Investigator" means a natural person who is
27 certified or approved by the department as being
28 capable of conducting an investigation under section
29 seventeen (17) of this Act.

30 Sec. 12. NEW SECTION. COMMENCEMENT OF ADOPTION
31 ACTION--JURISDICTION--FORUM NON CONVENIENS.

32 1. An action for the adoption of any natural
33 person shall be commenced by the filing of an adoption
34 petition, as prescribed in section fourteen (14) of
35 this Act, in the court of the county in which an adult
36 person to be adopted is domiciled or resides, or in
37 the court of the county in which the guardian of a
38 minor person to be adopted or the petitioner is
39 domiciled or resides.

40 2. Unless the person to be adopted is an adult,
41 an adoption petition shall not be filed until a
42 termination of parental rights has been accomplished.
43 However, this subsection shall not apply to the parent-
44 child relationship existing between a child and a
45 parent whose spouse is a petitioning stepparent of
46 that child.

47 3. If upon filing of the adoption petition or
48 at any later time in the adoption action the court
49 finds that in the interest of substantial justice
50 the adoption action should be conducted in another

1 court, it may transfer, stay, or dismiss the adoption
2 action on any conditions that are just.

3 . Sec. 13. NEW SECTION. QUALIFICATIONS TO FILE
4 ADOPTION PETITION. Any person who may adopt may file
5 an adoption petition under section twelve (12) of
6 this Act. The following persons may adopt:

- 7 1. An unmarried adult.
- 8 2. A husband and wife together.
- 9 3. A husband or wife separately if the person
10 to be adopted is not the other spouse and if the
11 adopting spouse:
 - 12 a. Is the stepparent of the person to be adopted;
 - 13 b. Has been separated from the other spouse by
14 reason of the other spouse's abandonment as prescribed
15 in section five hundred ninety-seven point ten (597.10)
16 of the Code; or
 - 17 c. Is unable to petition with the other spouse
18 because of the prolonged and unexplained absence,
19 unavailability, or incapacity of the other spouse,
20 or because of an unreasonable withholding of joinder
21 by the other spouse, as determined by the court under
22 subsection seven (7) of section fourteen (14) of this
23 Act.

24 Sec. 14. NEW SECTION. CONTENTS OF AN ADOPTION
25 PETITION. An adoption petition shall be signed and
26 verified by the petitioner, shall be filed with the
27 court designated in section twelve (12) of this Act,
28 and shall state:

- 29 1. The name, as it appears on the birth certificate
30 or in a verified birth record or as it appears as
31 a result of marriage, and the residence or domicile of
32 the person to be adopted.
- 33 2. The date and place of birth of the person to
34 be adopted.
- 35 3. Any new name requested to be given the person
36 to be adopted.
- 37 4. The name, residence, and domicile of any
38 guardian, custodian, or guardian ad litem for the
39 person to be adopted.
- 40 5. The name, residence, and domicile of the
41 petitioner, if this is not required to be stated under
42 subsection four (4) of this section, and the date
43 or expected date on which the person to be adopted,
44 if a minor, began or begins living with the petitioner.
- 45 6. The name, residence, and domicile of any parent
46 of the person to be adopted.
- 47 7. A designation of the particular provision in
48 section thirteen (13) of this Act under which the
49 petitioner is qualified to adopt and, if under
50 paragraph c of subsection three (3) of section thirteen

1 (13), a request that the court approve the petitioner's
2 qualification to adopt.

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

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

13 10. When and where termination of parental rights
14 pertaining to the person to be adopted have occurred,
15 if termination was required under section twelve (12)
16 of this Act.

17 Sec. 15. NEW SECTION. ATTACHMENTS TO AN ADOPTION
18 PETITION. An adoption petition shall have attached
19 to it the following:

20 1. A certified copy of the birth certificate
21 showing parentage of the person to be adopted or,
22 if such certificate is not available, a verified birth
23 record.

24 2. A copy of any order terminating parental rights
25 with respect to the person to be adopted.

26 3. Any written consent and verified statement
27 required under section sixteen (16) of this Act,
28 except the consent required under paragraph d of
29 subsection one (1) of that section.

30 4. Any pre-placement investigation report that
31 has been prepared at the time of filing pursuant to
32 section seventeen (17) of this Act.

33 Sec. 16. NEW SECTION. CONSENTS TO THE ADOPTION.

34 1. An adoption petition shall not be granted
35 unless the following persons consent to the adoption
36 or unless the court makes a determination under
37 subsection four (4) of this section:

38 a. Any guardian of the person to be adopted.

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

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

42 d. The person to be adopted if that person is
43 fourteen years of age or older.

44 2. A consent to the adoption shall be in writing,
45 shall name the person to be adopted and the petitioner,
46 shall be signed by the person consenting, and shall
47 be made in the following manner:

48 a. If by any minor person to be adopted who is
49 fourteen years of age or older, in the presence of
50 the court in which the adoption petition is filed.

1 b. If by any adult person to be adopted, either
2 in the presence of the court in which the adoption
3 petition is filed or before a notary public.

4 c. If by any other person, before a notary public.

5 3. A consent to the adoption may be withdrawn
6 prior to the issuance of an adoption decree under
7 section twenty-two (22) by the filing of an affidavit
8 of consent withdrawal with the court. Such affidavit
9 shall be treated in the same manner as an attached
10 verified statement is treated under subsection four
11 (4) of this section.

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

22 Sec. 17. NEW SECTION. PLACEMENT INVESTIGATIONS
23 AND REPORTS.

24 1. a. A pre-placement investigation shall be
25 directed to and a report of this investigation shall
26 answer the following:

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

30 (2) How the prospective adoption petitioner's
31 emotional maturity, finances, health, relationships,
32 and any other relevant factor may affect the
33 petitioner's ability to accept, care, and provide
34 a minor person to be adopted with an adequate
35 environment as that person matures.

36 b. A post-placement investigation and a report
37 of this investigation shall:

38 (1) Verify the allegations of the adoption petition
39 and its attachments and of the report of expenditures
40 required under section eighteen (18) of this Act.

41 (2) Evaluate the progress of the placement of
42 the minor person to be adopted.

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

46 c. A background information investigation and
47 a report of this investigation shall not disclose
48 the identity of the natural parents of the minor
49 person to be adopted and shall answer the following:

50 (1) What is the complete family medical history

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1 of the person to be adopted, including any known
2 genetic, metabolic, or familial disorders.

3 (2) What is the complete medical and developmental
4 history of the person to be adopted.

5 2. a. A pre-placement investigation and report
6 of the investigation shall be completed and the
7 prospective adoption petitioner approved for a
8 placement by the person making the investigation prior
9 to any agency or independent placement of a minor
10 person in the petitioner's home in anticipation of
11 an ensuing adoption. A report of a pre-placement
12 investigation that has approved a prospective adoption
13 petitioner for a placement shall not authorize
14 placement of a minor person with that petitioner
15 after one year from the date of the report's issuance.
16 However, if the prospective adoption petitioner is
17 a stepparent or a relative within the fourth degree
18 of consanguinity who has assumed custody of a minor
19 person to be adopted, a pre-placement investigation
20 of this petitioner and a report of the investigation
21 may be completed at a time established by the court.
22 Also, any investigation and report required under
23 this subsection may be waived by the court if the
24 prospective adoption petitioner is a stepparent or
25 a relative to the person to be adopted within the
26 fourth degree of consanguinity.

27 b. If the person making the investigation does
28 not approve a prospective adoption petitioner under
29 paragraph a of this subsection, the person investigated
30 may appeal the disapproval as a contested case to
31 the commissioner of social services. Judicial review
32 of any adverse decision by the commissioner may be
33 sought pursuant to chapter seventeen A (17A) of the
34 Code.

35 3. The agency making an agency placement shall
36 conduct the pre-placement investigation and report
37 required under subsection two (2) of this section.
38 The department or an investigator shall conduct all
39 other investigations and reports required under
40 subsection two (2) of this section.

41 4. A post-placement and a background information
42 investigation and the reports of these investigations
43 shall be completed and the reports filed with the
44 court prior to the holding of the adoption hearing
45 prescribed in section twenty-one (21) of this Act.
46 Upon the filing of an adoption petition pursuant to
47 section fourteen (14) of this Act, the court shall
48 immediately appoint the department, an agency, or
49 an investigator to conduct this investigation and
50 report. Any person, including a juvenile court, who

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1 has gained relevant background information concerning
2 a minor person subject to an adoption petition shall,
3 upon request, fully cooperate with the conducting
4 of the background information investigation and report
5 by disclosing any relevant background information,
6 whether contained in sealed records or not.

7 5. Any person conducting an investigation under
8 subsections three (3) and four (4) of this section
9 may, in the investigation or subsequent report,
10 include, utilize, or rely upon any reports, studies,
11 or examinations to the extent they are relevant.

12 6. Any person conducting an investigation under
13 subsections three (3) and four (4) may charge a fee
14 which does not exceed the reasonable cost of the
15 services rendered and which is based on a sliding
16 scale schedule relating to the investigated person's
17 ability to pay.

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

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

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

31 10. The department or an agency may conduct any
32 investigations required for an interstate or
33 interagency placement.

34 11. Any person who assists in or impedes the
35 placement or adoption of a minor person in violation
36 of the provisions of this section shall be, upon
37 conviction, guilty of a misdemeanor, and shall be
38 fined not more than one hundred dollars or imprisoned
39 in the county jail for not more than thirty days.

40 Sec. 18. NEW SECTION. REPORT OF EXPENDITURES.

41 1. An adoption petitioner of a minor person shall
42 file with the court, prior to the adoption hearing,
43 a full accounting of all disbursements of anything
44 of value paid or agreed to be paid by or on behalf
45 of the petitioner in connection with the petitioned
46 adoption. This accounting shall be made by a report
47 prescribed by the court. The report shall be signed
48 and verified by the petitioner and shall show any
49 expenses incurred in connection with:

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

1 b. Placement of the minor person with the adoption
2 petitioner.

3 c. Medical care received by the natural parents
4 or the minor person during the pregnancy or delivery
5 of the minor person.

6 d. Any other services relating to the adoption
7 or to the placement of the minor person which were
8 received by or on behalf of the petitioner, the natural
9 parents, or any other person, including legal fees.
10 The provisions of this subsection do not apply in
11 a stepparent adoption.

12 2. A natural parent shall not receive any thing
13 of value as a result of the natural parent's child
14 or former child being placed with and adopted by
15 another person, unless that thing of value is
16 commensurate with some necessary service provided
17 the natural parent in relation to childbirth, child
18 raising, or delivering the child for adoption. Any
19 person assisting in any way with the placement or
20 adoption of a minor person shall not charge a fee
21 which is more than usual, necessary, and commensurate
22 with the services rendered. If the natural parent
23 receives any prohibited thing of value, if a person
24 gives a prohibited thing of value, or if a person
25 charges a prohibited fee under this subsection, each
26 such person shall be, upon conviction, guilty of a
27 misdemeanor, and shall be fined not more than one
28 hundred dollars or imprisoned in the county jail for
29 not more than thirty days.

30 Sec. 19. NEW SECTION. MINIMUM RESIDENCE OF A
31 MINOR CHILD. The adoption of a minor person shall
32 not be decreed until that person has lived with the
33 adoption petitioner for a minimum residence period
34 of one hundred eighty days. However, the court may
35 waive this period if the adoption petitioner is a
36 stepparent or related to the minor person within the
37 fourth degree of consanguinity or may shorten this
38 period upon good cause shown when the court is
39 satisfied that the adoption petitioner and the person
40 to be adopted are suited to each other.

41 Sec. 20. NEW SECTION. NOTICE OF ADOPTION HEARING.

42 1. The court shall set the time and place of the
43 adoption hearing prescribed in section twenty-one
44 (21) of this Act upon application of the petitioner.
45 The court may continue the adoption hearing if the
46 notice prescribed in subsections two (2) and three
47 (3) of this section is given, except that such notice
48 shall only be given at least ten days prior to the
49 date which has been set for the continuation of the
50 adoption hearing.

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1 2. At least sixty days before the adoption hearing,
2 a copy of the petition and its attachments and a
3 notice of the adoption hearing shall be given by the
4 adoption petitioner to:

5 a. A guardian, guardian ad litem, and custodian
6 of, and any person in a parent-child relationship
7 with the person to be adopted.

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

9 c. The department.

10 d. Any person who is designated to make an
11 investigation and report under section seventeen (17)
12 of this Act.

13 e. Any other person who is required to consent
14 under section sixteen (16) of this Act.

15 3. A notice of the adoption hearing shall state
16 the time, place, and purpose of the hearing and shall
17 be given according to the appropriate rules of civil
18 procedure. Proof of the giving of notice shall be
19 filed with the court prior to the adoption hearing
20 and approved by the court prior to issuance of an
21 adoption decree under section twenty-two (22) of this
22 Act.

23 Sec. 21. NEW SECTION. ADOPTION HEARING.

24 1. An adoption hearing shall be conducted
25 informally as a hearing in equity. The hearing shall
26 be reported.

27 2. Only those persons notified under section
28 twenty (20) of this Act and their witnesses and legal
29 counsel or persons requested by the court to be present
30 shall be admitted to the court chambers while an
31 adoption hearing is being conducted. The adoption
32 petitioner and the person to be adopted shall be
33 present at the hearing, unless the presence of either
34 is excused by the court.

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

39 Sec. 22. NEW SECTION. ADOPTION DECREES.

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

42 a. Issue a final adoption decree;

43 b. Issue an interlocutory adoption decree; or,

44 c. Dismiss the adoption petition if the
45 requirements of this Act have not been met or if
46 dismissal of the adoption petition is in the best
47 interest of the person whose adoption has been
48 petitioned. Upon dismissal, the court shall determine
49 who is to be guardian or custodian of a minor child,
50 including the adoption petitioner if it is in the

1 best interest of the minor person whose adoption has
2 been petitioned.

3 2. An interlocutory adoption decree automatically
4 becomes a final adoption decree at a date specified
5 by the court in the interlocutory adoption decree
6 which date shall not be less than one hundred eighty
7 days nor more than three hundred sixty days from the
8 date the interlocutory decree is issued. However,
9 an interlocutory adoption decree may be vacated sooner
10 than the date specified in it by the court for good
11 cause shown. Also, the court may provide in the
12 interlocutory adoption decree for further observation,
13 investigation, and report of the conditions of and
14 the relationships between the adoption petitioner
15 and the person petitioned to be adopted.

16 3. Except as enumerated in subsection two (2)
17 of this section, an interlocutory adoption decree
18 shall have the same legal effect as a final adoption
19 decree. If an interlocutory adoption decree is vacated
20 under subsection two (2) of this section, it shall
21 be void from the date of issuance and the rights,
22 duties, and liabilities of all persons affected by
23 it shall, unless they have become vested, be governed
24 accordingly. Upon vacation of an interlocutory
25 adoption decree, the court shall proceed under the
26 provisions of paragraph c of subsection one (1) of
27 this section.

28 4. A final adoption decree terminates any parental
29 rights, except those of a spouse of the adoption
30 petitioner, existing at the time of its issuance and
31 establishes the parent-child relationship between
32 the adoption petitioner and the person petitioned
33 to be adopted. Unless otherwise specified by law,
34 such parent-child relationship shall be deemed to
35 have been created at the birth of the child. However,
36 regardless of the parent-child relationship established
37 by a final adoption decree and of the provisions
38 of section six hundred thirty-three point two hundred
39 twenty-three (633.223) of the Code, if a parent of
40 a child dies and the child is then adopted, the child's
41 right of inheritance from and through the deceased
42 parent is unaffected by an interlocutory or final
43 adoption decree.

44 5. An interlocutory or a final adoption decree
45 shall be entered with the clerk of the court. Such
46 decree shall set forth any facts of the adoption
47 petition which have been proven to the satisfaction
48 of the court and any other facts considered to be
49 relevant by the court and shall grant the adoption
50 petition. If so designated in the adoption decree,

1 the name of the adopted person shall be changed by
2 issuance of that decree. The clerk of the court
3 shall, within thirty days of issuance, deliver one
4 certified copy of any adoption decree to the
5 petitioner, one copy of any adoption abstract to the
6 department and any agency or person making an
7 independent placement who placed a minor person for
8 adoption, and one certification of adoption as
9 prescribed in section one hundred forty-four point
10 nineteen (144.19) of the Code to the state registrar
11 of vital statistics. Upon receipt of the
12 certification, the state registrar shall prepare a
13 new birth certificate pursuant to section one hundred
14 forty-four point twenty-three (144.23) of the Code
15 and deliver to the parents named in the decree and
16 any adult person adopted by the decree a copy of the
17 new birth certificate. The parents shall pay the
18 fee prescribed in section one hundred forty-four point
19 forty-six (144.46) of the Code. If the person adopted
20 was born outside the state, the state registrar shall
21 forward the certification of adoption to the
22 appropriate agency in the state of birth. A copy
23 of any interlocutory adoption decree vacation shall
24 be delivered and another birth certificate shall be
25 prepared in the same manner as a certification of
26 adoption is delivered and the birth certificate was
27 originally prepared.

28 Sec. 23. NEW SECTION. APPEAL. An appeal from
29 any final order or decree rendered under this Act
30 shall be taken in the same manner as an appeal is
31 taken from a final judgment under the rules of civil
32 procedure. However, a rule of civil procedure
33 provision regarding a minimum amount of value in
34 controversy shall not bar an adoption appeal. The
35 supreme court shall review an adoption appeal de novo.

36 Sec. 24. NEW SECTION. FOREIGN AND INTERNATIONAL
37 ADOPTIONS.

38 1. A decree terminating a parent-child relationship
39 or establishing a parent-child relationship by adoption
40 which is issued pursuant to due process of law by
41 a court of any other jurisdiction, whether within
42 or without the United States, shall be recognized
43 in this state.

44 2. If there is a proxy adoption in the minor
45 person's country of origin, a further adoption must
46 occur in the state where the adopting parents reside
47 in accordance with the adoption laws of that state.

48 3. The department may provide necessary assistance
49 to an eligible citizen of Iowa who desires to, in
50 accordance with the immigration laws of the United

1 States, make an international adoption. For any such
2 assistance the department may charge a fee which does
3 not exceed the reasonable cost of services rendered
4 and which is based on a sliding scale relating to
5 the investigated person's ability to pay.

6 4. Any rules of the department relating to
7 placement of a minor child for adoption which are
8 more restrictive than comparable rules of agencies
9 making international placements and laws of the United
10 States shall not be enforced by the department in
11 an international adoption.

12 Sec. 25. NEW SECTION. TERMINATION AND ADOPTION
13 RECORD.

14 1. Any information compiled under subparagraphs
15 one (1) and two (2) of paragraph c of subsection one
16 (1) of section seventeen (17) of this Act shall be
17 made available at any time by the clerk of the court,
18 the department, or any agency which made the placement
19 to:

20 a. The adopting parents.

21 b. The adopted person who is an adult.

22 c. Any person approved by the department if the
23 person uses this information solely for the purposes
24 of conducting a legitimate research project or of
25 treating a patient in a medical facility.

26 2. The permanent termination of parental rights
27 record of the juvenile court under division one (I)
28 of this Act and the permanent adoption record of the
29 court shall be sealed by the clerk of the juvenile
30 court and the clerk of court, as appropriate, when
31 they are complete and after the time for appeal has
32 expired. All papers and records pertaining to a
33 termination of parental rights under division one
34 (I) of this Act and to an adoption, whether a part
35 of the permanent termination and adoption records
36 of the juvenile court and of the court or on file
37 with a guardian, guardian ad litem, custodian, person
38 who placed a minor person, or the department shall
39 not be open to inspection and the identity of the
40 natural parents of an adopted person shall not be
41 revealed. However, an agency involved in placement
42 shall contact the adopting parents or the adult adopted
43 child regarding eligibility of the adopted child for
44 benefits based on entitlement of benefits or
45 inheritance from the terminated natural parents.
46 Also, the clerk of the court may, upon application
47 to and order of the court for good cause shown, open
48 the permanent adoption record of the court for the
49 adopted person who is an adult and reveal the names
50 of either or both of the natural parents, unless

1 either or both of the natural parents have filed and
2 not withdrawn an affidavit denying such revelation
3 as to each parent's name. If the adopted person who
4 applies for revelation of the natural parents' name
5 has a sibling who is a minor and who has been adopted
6 by the same parents, the court shall deny such
7 application on the grounds that revelation to the
8 applicant may also indirectly and harmfully permit
9 the same revelation to the applicant's minor sibling.
10 To facilitate the natural parents in filing such
11 affidavit, the department shall, upon request of such
12 parent, file an affidavit in the court in which the
13 adoption records have been sealed.

14 3. Any person, other than the adopting parents
15 or the adopted person, who discloses information in
16 violation of the provisions of this section shall
17 be, upon conviction, guilty of a misdemeanor, and
18 shall be fined not more than one hundred dollars or
19 imprisoned in the county jail for not more than thirty
20 days.

21 DIVISION III

22 Sec. 26.

23 1. Any termination of parental rights or adoption
24 proceedings pending on the effective date of this
25 Act shall not be affected by the provisions of this
26 Act.

27 2. The department may allow access to adoption
28 records held by it or an agency if:

29 a. These records were compiled prior to the
30 effective date of this Act and do not or can be made
31 to not reveal the identity of the natural parents
32 of an adopted person; and,

33 b. The person gaining access to these records
34 uses them solely for the purposes of conducting a
35 legitimate research project or of treating a patient
36 in a medical facility.

37 3. This Act shall take effect on January 1, 1977.

38 Sec. 27. Section two hundred thirty-one point
39 three (231.3), unnumbered paragraph two (2), Code
40 1975, is amended to read as follows:

41 The judge of the juvenile court may appoint a
42 referee in juvenile court proceedings. The referee
43 shall be qualified for his duties by training and
44 experience and shall hold office at the pleasure of
45 the judge. The compensation of the referee shall
46 be fixed by the judge. The judge may direct that
47 any case or class of cases arising under chapter 232
48 or division one (I) of this Act shall be heard in
49 the first instance by the referee in the manner
50 provided for the hearing of cases by the court.

1 Sec. 28. Section two hundred thirty-two point
2 two (232.2), subsections eight (8) and nine (9), Code
3 1975, are amended by striking the subsections and
4 inserting in lieu thereof the following:

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

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

9 Sec. 29. Section two hundred thirty-two point
10 twelve (232.12), Code 1975, is amended to read as
11 follows:

12 232.12 OTHER ISSUES ADJUDICATED. When it appears
13 during the course of any trial, hearing, or proceeding
14 that some action or remedy other than or in addition
15 to those indicated by the application or pleadings
16 appears appropriate, the court may, provided all
17 necessary parties consent, proceed to hear and
18 determine the additional or other issues as though
19 originally properly sought and pleaded. However,
20 if termination of parental rights appears to be the
21 appropriate action or remedy, the provisions of
22 division one (I) of this Act must be followed.

23 Sec. 30. Section two hundred thirty-two point
24 twenty-seven (232.27), Code 1975, is amended to read
25 as follows:

26 232.27 HEARINGS TO COURT. Hearings on any matter
27 shall be without a jury and may be conducted in an
28 informal manner. Hearings may be continued from time
29 to time and in the interim the court may make such
30 orders as it deems in the best interests of the child.
31 The court shall exclude the general public from
32 hearings and shall admit the news media, except in
33 those cases which in the opinion of the court the
34 best interest of the child and the public are served
35 by a private hearing. The court shall also admit
36 those persons who in the discretion of the court have
37 a direct interest in the case or in the work of the
38 court; except that if the hearing involves a child
39 charged by information or indictment with the
40 commission of a felony, persons having a legitimate
41 interest in the proceedings, including responsible
42 representatives of public information media, shall
43 not be excluded from such hearings. The court may
44 require the presence of witnesses deemed necessary
45 to the disposition of the petition. ~~Adeption-hearings~~
46 ~~shall-be-conducted-in-accordance-with-the-previsions~~
47 ~~of-laws-relating-to-adeption-~~

48 Sec. 31. Section two hundred thirty-two point
49 twenty-nine (232.29), Code 1975, is amended to read
50 as follows:

1 232.29 COUNTY ATTORNEY TO PRESENT EVIDENCE. The
2 county attorney shall present the evidence upon request
3 of the court in all proceedings ~~except-adoptions~~.

4 Sec. 32. Section two hundred thirty-two point
5 thirty-six (232.36), Code 1975, is amended to read
6 as follows:

7 232.36 ORDERS CONTINUE TO MAJORITY OF CHILD.
8 All orders for supervision, custody, or commitment
9 shall be enforced until the minor reaches the age
10 of eighteen years unless otherwise specified by the
11 court. All orders shall be reviewed by the court
12 at least annually unless the court's jurisdiction
13 has been terminated. The court may make on its own
14 motion or on the motion of an interested party and
15 after notice to the parties and a hearing some other
16 disposition of the case so long as the court retains
17 jurisdiction. However, if termination of parental
18 rights is utilized as another disposition of the case,
19 the provisions of division one (I) of this Act must
20 be followed.

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

24 Whenever legal custody of a minor is transferred
25 by the court or whenever the minor is placed by the
26 court with someone other than the parents or whenever
27 a minor is given physical or mental examinations
28 or treatment under order of the court and no provision
29 is otherwise made by law for payment for the care,
30 examination, or treatment of the minor, the costs
31 shall be charged upon the funds of the county in which
32 the proceedings are held upon certification of the
33 judge to the board of supervisors. ~~Except-where-the~~
34 ~~parent-child-relationship-is-terminated,-the~~ The court
35 may inquire into the ability of the parents to support
36 the minor and after giving the parents a reasonable
37 opportunity to be heard may order the parents to pay
38 in the manner and to whom the court may direct, such
39 sums as will cover in whole or in part the cost of
40 care, examination, or treatment of the minor. If
41 the parents fail to pay the sum without good reason,
42 the parents may be proceeded against for contempt
43 or the court may inform the county attorney who shall
44 proceed against the parents to collect the unpaid
45 sums or both.

46 Sec. 34. Section two hundred thirty-two point
47 sixty-three (232.63), Code 1975, as amended by Acts
48 of the Sixty-sixth General Assembly, 1975 Session,
49 chapter one hundred forty-two (142), section ten (10),
50 is amended to read as follows:

1 232.63 WHEN JURISDICTION IS EXCLUSIVE. The
2 juvenile court shall have exclusive original
3 jurisdiction, only, in proceedings concerning any
4 child alleged to be delinquent, or a child alleged
5 to be in need of assistance, and in proceedings for
6 termination of parental rights under ~~sections-232-44~~
7 ~~through-232-50~~ division one (I) of this Act, and in
8 proceedings concerning any minor alleged to have been
9 a delinquent prior to having become eighteen years
10 of age except as otherwise provided by law.

11 Sec. 35. Section two hundred thirty-five point
12 three (235.3), subsection three (3), Code 1975, is
13 amended to read as follows:

14 3. Make such rules and regulations as may be
15 necessary or advisable for the supervision of the
16 private child-caring agencies or officers thereof
17 which the state director is empowered to license,
18 inspect and supervise, ~~which rules and regulations~~
19 ~~shall provide that in dealing with any child, any~~
20 ~~officer, employee or agency so dealing shall take~~
21 ~~into consideration the religious faith or affili-~~
22 ~~ations of the child or its parents, and that in placing~~
23 ~~such child it shall be, as far as practicable, placed~~
24 ~~in the home or the care and custody of some person~~
25 ~~holding the same religious faith as the parents of~~
26 ~~such child, or with or through some agency or~~
27 ~~institution controlled by persons of like religious~~
28 ~~faith with the parents of said child.~~

29 Sec. 36. Section two hundred thirty-eight point
30 twenty-four (238.24), unnumbered paragraph two (2),
31 Code 1975, is amended to read as follows:

32 Nothing herein shall prohibit the state director
33 from disclosing such facts to such proper persons
34 as may be in the interest of a child cared for by
35 such agency or in the interest of the child's parents
36 or foster parents and not inimical to the child, or
37 as may be necessary to protect the interests of the
38 child's prospective foster parents. However,
39 disclosure of termination and adoption records shall
40 be governed by the provisions of section twenty-five
41 (25) of this Act.

42 Sec. 37. Section two hundred thirty-eight point
43 thirty-two (238.32), subsection one (1), is amended
44 to read as follows:

45 1. Receive neglected, dependent, children in need
46 of assistance or delinquent children who are under
47 eighteen years of age, under commitment from the
48 juvenile court, and control and dispose of them subject
49 to the provisions of chapter 232 and of division one
50 (I) of this Act.

1 Sec. 38. Sections two hundred thirty-two point
2 forty (232.40) through two hundred thirty-two point
3 fifty (232.50), inclusive, section two hundred thirty-
4 two point sixty (232.60), and sections two hundred
5 thirty-eight point twenty-five (238.25) through two
6 hundred thirty-eight point twenty-nine (238.29),
7 inclusive, Code 1975, are repealed.

8 Sec. 39. Section four hundred twenty-two point
9 nine (422.9), subsection two (2), paragraph d, Code
10 1975, is amended to read as follows:

11 d. Add the amount by which expenses paid or
12 incurred in connection with the adoption of a child
13 by the taxpayer exceed three percent of the net income
14 of the taxpayer, or of the taxpayer and spouse in
15 the case of a joint return. The expenses may include
16 medical and hospital expenses of the natural mother
17 which are incident to the child's birth and are paid
18 by the taxpayer, welfare agency fees, legal fees,
19 and all other fees and costs relating to the adoption
20 of a child if the child is placed by a child-placing
21 agency licensed under chapter 238 or by a person
22 making an independent placement according to the
23 provisions of chapter six hundred (600) of the Code.

24 Sec. 40. Section six hundred thirty-three point
25 two hundred twenty-three (633.223), subsections two
26 (2) and three (3), Code 1975, are amended by striking
27 the subsections.

28 Sec. 41. Sections six hundred point one (600.1)
29 through six hundred point ten (600.10), Code 1975,
30 are amended by striking the sections and inserting
31 in lieu thereof division two (II) of this Act.

32 Sec. 42. The Code editor shall codify division
33 one (I) of this Act as a separate chapter of the
34 Code."

S-5346 FILED - Adopted 4/5 (1173)
MARCH 17, 1976

BY COMMITTEE ON HUMAN RESOURCES
WILLIAM GLUBA, Chairperson

Amended by 5425, 5430, 5432A, 5434,
5441, 5443A, 5443B, 5448, 5456

HOUSE FILE 614

S-4246

- 1 Amend House File 614, as amended and passed by
2 the House and reprinted, as follows:
3 1. Page 3, line 27, by inserting before the word
4 "person" the word "natural".
5 2. Page 4, line 16, by inserting before the word
6 "alter" the word "permanently".
7 3. Page 6, line 8, by inserting before the word
8 "guardian" the word "parent,".
9 4. Page 7, line 19, by inserting after the period
10 the words "Such notice shall also inform the person
11 notified that subsequent to a hearing on termination
12 of parental rights the juvenile court may declare
13 maternity and paternity of the child subject to the
14 termination action."
15 5. Page 9, line 4, by inserting before the word
16 "be" the word "not".
17 6. Page 9, line 5, by striking the words "not
18 less" and inserting in lieu thereof the word "sooner".
19 7. Page 10, line 7, by inserting after the word
20 "failed" the words "to correct the conditions leading
21 to neglect or dependency".
22 8. Page 10, line 15, by inserting before the word
23 "aid" the word "financially".
24 9. Page 10, line 29, by striking the word "is"
25 and inserting in lieu thereof the word "be".
26 10. Page 27, by inserting after line 14 the
27 following and by renumbering the bill sections
28 accordingly:
29 "Sec. ____ . Section four hundred twenty-two point
30 nine (422.9), subsection two (2), paragraph d, Code
31 1975, is amended to read as follows:
32 d. Add the amount by which expenses paid or
33 incurred in connection with the adoption of a child
34 by the taxpayer exceed three percent of the net income
35 of the taxpayer, or of the taxpayer and spouse in
36 the case of a joint return. The expenses may include
37 medical and hospital expenses of the natural mother
38 which are incident to the child's birth and are paid
39 by the taxpayer, welfare agency fees, legal fees,
40 and all other fees and costs relating to the adoption
41 of a child if the child is placed by a child-placing
42 agency licensed under chapter 238 or by a person
43 making an independent placement according to the
44 provisions of chapter six hundred (600) of the Code.
45 Sec. ____ . Section six hundred thirty-three point
46 two hundred twenty-three (633.223), subsections two
47 (2) and three (3), are amended by striking the
48 subsections."

S-4246 FILED - *Filed out of order with* BY RICHARD R. RAMSEY
JUNE 14, 1975 *amendment of 5346 4/5*

1 Amend House File 614, as amended and passed by
2 the House and reprinted, as follows:

3 1. Page 23, by inserting the following after line
4 24; and by renumbering the following bill sections
5 accordingly:

6 Sec. 25. 1. a. Notwithstanding chapter two
7 hundred thirty-eight (238) of the Code, an agency
8 or a child-placing agency licensed under the laws
9 of another state may place a child in the home of
10 a proposed parent in anticipation of an ensuing
11 adoption if:

12 (1) The agency has a contract with the government
13 of the republic of South Vietnam to place the child;

14 (2) The agency had, at the time the child resided
15 in South Vietnam, proper documents from the government
16 of the republic of South Vietnam permitting the child
17 to be placed and adopted but that the documents cannot
18 be located and replaced; and

19 (3) The child is legally admitted to the United
20 States of America.

21 b. The home in which a child is placed under
22 paragraph a of this subsection shall be investigated
23 for suitability by the department of social services
24 before or upon placement of the child. A petition
25 for adoption of the child shall not be filed under
26 section six hundred point one (600.1) of the Code
27 until the department has approved the placement.
28 Upon application of the department to the appropriate
29 juvenile court, the child may be removed from an
30 unapproved home and a guardian appointed for the
31 child.

32 2. Notwithstanding chapter six hundred (600) of
33 the Code, a child placed under subsection one (1)
34 of this section may be adopted without the adoption
35 petition allegations relating to the child required
36 under section six hundred point one (600.1) of the
37 Code and without the consents required under section
38 six hundred point three (600.3) of the Code if an
39 affidavit by the agency verifying that the documents
40 specified under subparagraph two (2) of paragraph
41 a of subsection one (1) of this section existed and
42 are now unavailable is submitted to the court. In
43 such case, the agency shall deliver to the court all
44 available information on the child.

45 3. Notwithstanding the provisions of chapter one
46 hundred forty-four (144) of the Code, the state
47 registrar of vital statistics shall issue a birth
48 certificate for any child adopted pursuant to
49 subsection two (2) of this section upon receipt of
50 a certificate of adoption. Such birth certificate

Page 2

1 shall include any available information which is
2 normally included on a birth certificate."

3 2. Page 23, line 23, by striking the word "This"
4 and inserting in lieu thereof the words "Except section
5 twenty-five (25) of this Act, this".

6 3. Page 23, line 24, by inserting after the period
7 the words "The provisions of subsection one (1) of
8 section twenty-five (25) shall expire on November
9 1, 1975."

S-5432

1 Amend the Committee on Human Resources amendment
2 S-5346 to House File 614 as amended, passed, and re-
3 printed by the House as follows:

4 1. Page 19, line 46, by striking the word "may" *a*
5 and inserting in lieu thereof the word "shall".
6 2. Page 19, line 47, by striking the words "for *B*
7 good cause shown".

S-5432 FILED - *a adopted, B lost 4/5 (1165)*
APRIL 1, 1976

EARL M. WILLITS
JAMES M. REDMOND
STEVE SOVERN

S-5455

1 Amend House File 614, page 5, line 13 by striking
2 the words "loco parentis", and inserting in lieu
3 thereof the words "the place of the parents".

S-5455 FILED & WITHDRAWN (*1171*)
APRIL 5, 1976

BY JAMES M. REDMOND

S-4133

1 Amend House File 614, as amended, passed and
2 reprinted by the House, page 10, line 21, by
3 inserting after the word "paternity" the words
4 "in the event termination is ordered".

S-4133 FILED - *Filed out of order* BY E. KEVIN KELLY
JUNE 11, 1975 *with adoption*
of 5346 4/5

S-4181

1 Amend the Committee on Human Resources amendment
2 (S-3991) to House File 614, as amended and passed
3 by the House and reprinted, as follows:
4 Page 1, by striking everything in line 10 and
5 inserting in lieu thereof the words "day on which
6 the release was signed and accepted, the juvenile".

S-4181 FILED - *Filed out of*
JUNE 12, 1975 *order with*
adoption of 5346 4/5

BY RICHARD R. RAMSEY
WILLIAM E. GLUBA

1 Amend the Committee on Human Resources amendment,
 2 S-5346, to House File 614, as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 3, line 21, by striking the word "Termina-
 5 tion" and inserting in lieu thereof the following:
 6 "1. Termination".
 7 2. Page 3, by striking lines 24 through 27 and
 8 inserting in lieu thereof the following: "if placement
 9 of a minor child in the home of a proposed parent
 10 in anticipation of an ensuing adoption is made within
 11 thirty days after the child's birth, this placement
 12 shall be made pursuant to section seventeen (17) of
 13 this Act and shall not be made until termination of
 14 parental rights with regard to this child is ef-
 15 fectuated pursuant to this division.
 16 2. Notwithstanding the provisions of subsection
 17 one (1) of this section, termination of parental
 18 rights between an adult child and the child's parents
 19 may be accomplished by a decree of adoption
 20 establishing a new parent-child relationship."

S-5422 FILED - *Lost 4/5 18-26 (1160)*
 MARCH 29, 1976

BY STEVE SOVERN
 CHARLES P. MILLER
 PHILIP B. HILL
 WILLARD P. HANSEN

HOUSE FILE 614

S-5428

1 Amend the Committee on Human Resources amendment,
 2 S-5346, to House File 614, as amended and passed by
 3 the House and reprinted, as follows:
 4 1. Page 20, by inserting after line 13 the
 5 following:
 6 "3. Notwithstanding anything to the contrary in
 7 this section, the juvenile court or court may, upon
 8 competent medical evidence, open termination or
 9 adoption records if opening is shown to be necessary
 10 to save the life of or prevent irreparable physical
 11 harm to an adopted person or the person's offspring.
 12 The juvenile court or court shall make every reasonable
 13 effort to prevent the identity of the natural parents
 14 from becoming revealed under this subsection to the
 15 adopted person. The juvenile court or court may,
 16 however, permit revelation of the identity of the
 17 natural parents to medical personnel attending the
 18 adopted person or the person's offspring. These
 19 medical personnel shall make every reasonable effort
 20 to prevent the identity of the natural parents from
 21 becoming revealed to the adopted person."
 22 2. Page 20, line 14, by striking the number "3"
 23 and inserting in lieu thereof the number "4".

S-5428 FILED - *Withdrawn 4/5 (1163)*
 MARCH 30, 1976

BY EARL M. WILLITS

- 1 Amend House File 614, as amended and passed by the
- 2 House and reprinted, as follows:
- 3 1. Page 3, line 34, by striking the number "1."
- 4 2. Page 4, by striking everything in lines 2
- 5 through 10, inclusive, and inserting in lieu thereof
- 6 the following:
7 "ten (10) of this Act. However, this section
- 8 shall not apply to the parent-".
- 9 3. Page 5, by striking everything in lines 26
- 10 through 30, inclusive, and inserting in lieu thereof
- 11 the following:
12 ". If demand for revocation of the release is
- 13 made upon the custodian within ten days of the birth
- 14 of the child subject to the release, the juvenile
- 15 court shall order the release revoked. If such demand
- 16 is not made within this ten-day period, the juvenile
- 17 court shall order the release revoked only upon a
- 18 showing of fraud, misrepresentation, duress, or mutual
- 19 mistake of fact or law."
- 20 4. Page 9, line 5, by striking the words "one
- 21 week" and inserting in lieu thereof the words "ten
- 22 days".
- 23 5. Page 9, line 22, by inserting before the word
- 24 "proof" the words "clear and convincing" and by
- 25 striking the words "beyond a reasonable doubt".
- 26 6. Page 16, line 24, by inserting after the period
- 27 the following:
28 "Also, such person shall, prior to making any of
- 29 these investigations, fully apprise the person being
- 30 investigated of the information which will be collected
- 31 and the method of collecting this information which
- 32 will be utilized to complete the investigation."

S-4245 FILED - *Handwritten* COMMITTEE ON HUMAN RESOURCES
JUNE 14, 1975 *and F.* WILLIAM E. GLUBA, CHAIRMAN

*order with revision
of 5-3-76 4/5*

H-6243

1 Amend House File 614, as amended and passed by
2 the House and reprinted, by striking everything after
3 the enacting clause and inserting in lieu thereof
4 the following:

5 "Division I

6 Section 1. NEW SECTION. CONSTRUCTION. This
7 division shall be construed liberally. The welfare
8 of the child subject to the proceedings of this
9 division shall be the paramount consideration in
10 interpreting this division. However, the interests
11 of the parents of this child or any natural person
12 standing in the place of the parents to this child
13 shall be given due consideration in this
14 interpretation.

15 Sec. 2. NEW SECTION. DEFINITIONS. As used in
16 this division:

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

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

21 3. "Parent-child relationship" means the
22 relationship between a parent and a child recognized
23 by the law as conferring certain rights and privileges
24 and imposing certain duties. The term extends equally
25 to every child and every parent, regardless of the
26 marital status of the parents of the child. The
27 rights, duties, and privileges recognized in the
28 parent-child relationship include those which are
29 maintained by a guardian, custodian, and guardian
30 ad litem.

31 4. "Termination of parental rights" means a
32 complete severance and extinguishment of a parent-
33 child relationship between one or both living parents
34 and the child.

35 5. "Biological parent" means a parent who has been
36 a biological party to the procreation of the child.

37 6. "Stepparent" means a person who is the spouse
38 of a parent in a parent-child relationship, but who
39 is not a parent in that parent-child relationship.

40 7. "Guardian" means a person who is not the parent
41 of a minor child, but who has been appointed by a
42 court or juvenile court having jurisdiction over the
43 minor child to make important decisions which have
44 permanent effect on the life and development of that
45 child and to promote the general welfare of that
46 child. A guardian may be a court or a juvenile court.
47 Guardian does not mean conservator, as defined in
48 section six hundred thirty-three point three (633.3)
49 of the Code, although a person who is appointed to
50 be a guardian may also be appointed to be a

conservator.

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

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

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

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

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

e. To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.

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

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

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

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

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

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

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

9. "Guardian ad litem" means a person appointed by a court or juvenile court having jurisdiction over the minor child to represent that child in a legal action.

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

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

12. "Agency" means a child-placing agency as

1 defined in section two hundred thirty-eight point
2 two (238.2) of the Code or the department.

3 13. "Department" means the state department of
4 social services or its subdivisions.

5 14. "Court" means a district court.

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

9 16. "To abandon a minor child" means to permanently
10 relinquish or surrender, without reference to any
11 particular person, the parental rights, duties, or
12 privileges inherent in the parent-child relationship.
13 The term includes both the intention to abandon and
14 the acts by which the intention is evidenced. The
15 term does not require that the relinquishment or
16 surrender be over a long or any particular period
17 of time.

18 17. "Independent placement" means placement of
19 a minor person by a person who is not an agency in
20 the home of a proposed parent in anticipation of an
21 ensuing adoption.

22 Sec. 3. NEW SECTION. EXCLUSIVITY. Termination
23 of parental rights shall be accomplished only according
24 to the provisions of this division. However,
25 termination of parental rights between an adult child
26 and the child's parents may be accomplished by a
27 decree of adoption establishing a new parent-child
28 relationship.

29 Sec. 4. NEW SECTION. RELATIONSHIP UNALTERED--
30 RELEASE OF CUSTODY--VOLUNTARINESS OF RELEASE.

31 1. A parent shall not permanently alter the parent-
32 child relationship, except as ordered by a juvenile
33 court or court. However, custody of a minor child
34 may be assumed by a stepparent or a relative of that
35 child within the fourth degree of consanguinity or
36 transferred by an acceptance of a release of custody.
37 A person who assumes custody or who accepts a release
38 of custody under this section becomes, upon assumption
39 or acceptance, the custodian of the minor child.

40 2. A release of custody:

41 a. Shall be accepted only by an agency or a person
42 making an independent placement.

43 b. Shall not be accepted by a person who in any
44 way intends to adopt the child who is the subject
45 of the release.

46 c. Shall be in writing.

47 d. Shall be signed, not less than seventy-two
48 hours after the birth of the child to be released,
49 by all living parents.

50 e. Shall be witnessed by two persons familiar

1 with the parent-child relationship.

2 f. Shall name the person who is accepting the
3 release.

4 g. Shall be followed, within a reasonable time,
5 by the filing of a petition for termination of parental
6 rights under section five (5) of this Act.

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

23 4. A parent who signs a release of custody may
24 petition, within the time prior to the filing of a
25 petition for termination of parental rights, or may
26 request, at the hearing on termination of parental
27 rights the juvenile court designated in section five
28 (5) of this Act, to order the release revoked and
29 the release shall be revoked unless good cause is
30 shown for not revoking the release.

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

32 1. The following persons may petition a juvenile
33 court for termination of parental rights if the child
34 of the parent-child relationship is born or expected
35 to be born within one hundred eighty days of the date
36 of petition filing:

- 37 a. A parent of the parent-child relationship.
38 b. A custodian or guardian of the child.
39 c. Any other person who has knowledge of
40 circumstances indicating that the parent-child
41 relationship should be terminated.

42 2. A petition for termination of parental rights
43 shall be filed with the juvenile court in which the
44 guardian or custodian of the child resides or the
45 child is domiciled. However, if a juvenile court
46 has made an order pertaining to a minor child under
47 section two hundred thirty-two point thirty-three
48 (232.33) of the Code and that order is still in force,
49 the petition shall be filed with that juvenile court.

50 3. A petition for termination of parental rights

shall include the following:

a. The legal name, age, and domicile, if any, of the child.

b. The names, residences, and domicile of any:

(1) Living parents of the child.

(2) Guardian of the child.

(3) Custodian of the child.

(4) Guardian ad litem of the child.

(5) Petitioner.

(6) Person standing in the place of the parents to the child.

c. A plain statement of the facts and grounds in section eight (8) of this Act which indicate that the parent-child relationship should be terminated.

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

e. The signature and verification of the petitioner.

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

1. A termination of parental rights shall, unless provided otherwise in this section, be effectuated only after notice has been served on all necessary parties and these parties have been given an opportunity to be heard before the juvenile court. A "necessary party" includes any person whose name, residence, and domicile is required to be included on the petition under paragraphs a and b of subsection three (3) of section five (5) of this Act. However, a "necessary party" does not include a biological parent who has been adjudicated to have raped the other biological parent thereby producing the birth of the child designated in paragraph a of subsection three (3) of section five (5) of this Act or a parent, unless this parent:

a. Is listed on the birth certificate or verified birth record of the child subject to the termination action;

b. Was married, within three hundred twenty-five days before or ten days after the child's birth, to a parent listed on the birth certificate or verified birth record of the child subject to the termination action;

c. Is openly living with the child subject to the termination action or a parent listed on the birth certificate or verified birth record of this child;

d. Has been adjudicated to be a parent of the child subject to the termination action;

e. Has substantially supported the child subject

1 to the termination action; or
2 f. Has filed with the state registrar of vital
3 statistics, before a termination petition affecting
4 this person has been filed, a request for notice under
5 this section. This request shall include the name
6 and last known address of the other parent and, if
7 known, the month and year of the child's birth.
8 2. Prior to the service of notice on the necessary
9 parties, the juvenile court shall appoint a guardian
10 ad litem for a minor child if the child does not have
11 a guardian or guardian ad litem or if the interests
12 of the guardian or guardian ad litem conflict with
13 the interests of the child. Such guardian ad litem
14 shall be a necessary party under subsection one (1)
15 of this section.
16 3. Notice under this section may be served
17 personally or constructively, as specified under
18 subsections four (4), five (5), and six (6) of this
19 section. This notice shall state:
20 a. The time and place of the hearing on termination
21 of parental rights.
22 b. A clear statement of the purpose of the action
23 and hearing.
24 c. A clear statement of the possible consequences
25 to the parent and child.
26 d. The alleged factual basis which indicates that
27 the parent-child relationship should be terminated.
28 e. The grounds in section eight (8) of this Act
29 upon which termination may be ordered pursuant to
30 the factual basis alleged.
31 4. The juvenile court shall require that every
32 reasonable effort is made to identify, locate, and
33 notice a necessary party.
34 5. A necessary party whose identity and location
35 or last location is known shall be served by notice
36 personally delivered or sent by restricted certified
37 mail, whichever is determined to be the most effective
38 means of notification. Such notice shall be made
39 according to the rules of civil procedure relating
40 to an original notice where not inconsistent with
41 the provisions of this section. Notice by personal
42 delivery shall be served not less than seven days
43 prior to the hearing on termination of parental rights.
44 Notice by restricted certified mail shall be sent
45 not less than fourteen days prior to the hearing on
46 termination of parental rights. A notice by restricted
47 certified mail which is refused by the necessary party
48 being noticed shall be sufficient notice to that party
49 under this section.
50 6. A necessary party whose identity is known but

1 whose location or last location is unknown shall be
2 served by published notice. Such notice shall be
3 served according to the rules of civil procedure
4 relating to an original notice where not inconsistent
5 with the provisions of this section. In addition
6 to the requirements of subsection three (3) of this
7 section, such notice shall include only the name of
8 the unlocated necessary party being noticed. Notice
9 by publication shall be published once a week for
10 two consecutive weeks, the last publication to be
11 not less than seven days prior to the hearing on
12 termination of parental rights.

13 7. Proof of service of notice in the manner
14 prescribed shall be filed with the juvenile court
15 prior to the hearing on termination of parental rights
16 and approved by the juvenile court prior to issuance
17 of a termination order under section eight (8) of
18 this Act.

19 Sec. 7. NEW SECTION. TERMINATION HEARING--FORUM
20 NON CONVENIENS.

21 1. The hearing on termination of parental rights
22 shall be conducted in accordance to the provisions
23 of sections two hundred thirty-two point twenty-seven
24 (232.27), two hundred thirty-two point twenty-eight
25 (232.28), two hundred thirty-two point thirty (232.30),
26 and two hundred thirty-two point thirty-two (232.32)
27 of the Code and otherwise in accordance with the rules
28 of civil procedure. Such hearing shall be held not
29 less than one week after the child of the parent-child
30 relationship is born.

31 2. Relevant information, including that contained
32 in reports, studies, or examinations and testified
33 to by interested persons, may be admitted into evidence
34 at the hearing and relied upon to the extent of its
35 probative value. When such information is so admitted,
36 the person sponsoring it or testifying shall be subject
37 to both direct and cross-examination by a necessary
38 party.

39 3. If the juvenile court finds that in the interest
40 of substantial justice the hearing on termination
41 of parental rights should be heard by another juvenile
42 court, it may transfer, stay, or dismiss the
43 proceedings in whole or part on any conditions that
44 are just so long as a good faith attempt is made to
45 notify all necessary parties.

46 Sec. 8. NEW SECTION. GROUNDS FOR TERMINATION.
47 The juvenile court shall base its findings and order
48 under section nine (9) of this Act on clear and
49 convincing proof. The following shall be, either
50 separately or jointly, grounds for ordering termination

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of parental rights:

1. A parent has signed a release of custody pursuant to section four (4) of this Act and the release has not been revoked.
2. A parent has petitioned for the parent's termination of parental rights pursuant to section five (5) of this Act.
3. A parent has abandoned the child.
4. A parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent-child relationship.
5. A parent is palpably unfit to be a party to the parent-child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent-child relationship either of which are determined by the juvenile court to be permanently detrimental to the physical or mental health of the child.
6. If, following an adjudication that the child is in need of assistance under chapter two hundred thirty-two (232) of the Code, reasonable efforts under the direction of the juvenile court have failed to correct the conditions giving rise to this adjudication.
7. A parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has failed to do so without good cause. This subsection shall not be construed so as to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth.

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

1. Subsequent to the hearing on termination of parental rights, the juvenile court shall make a finding of facts and shall order that either:
 - a. The petition be dismissed;
 - b. The petition should not be granted at that time, but that conditions indicating that the child is in need of assistance exist, and an order to that effect is issued pursuant to section two hundred thirty-two point thirty-three (232.33) of the Code; or,
 - c. The petition be granted. The juvenile court shall appoint a guardian and a custodian or a guardian only. An order issued under this paragraph shall include the finding of facts. This finding shall

1 enumerate the factual basis which indicates that the
2 parent-child relationship should be terminated and
3 shall specify how this finding applies to the grounds
4 upon which the termination is ordered.

5 2. If an order is issued under paragraph c of
6 subsection one (1) of this section, the juvenile court
7 shall retain jurisdiction to change a guardian or
8 custodian and to allow a terminated parent to request
9 vacation of the termination order if:

10 a. The child is not on placement for adoption
11 or a petition for adoption of the child is not on
12 file; and,

13 b. The guardian consents in writing to the
14 vacation.

15 The juvenile court shall grant the vacation request
16 if it is in the best interest of the child.

17 3. A copy of any findings of fact and order made
18 under this section shall be sent by the clerk of the
19 juvenile court to:

20 a. The department.

21 b. The petitioner.

22 c. The parents whose rights have been terminated
23 if they request such copies.

24 d. Any guardian, custodian, or guardian ad litem
25 of the child.

26 Division II

27 Section 10. NEW SECTION. CONSTRUCTION. This
28 division shall be construed liberally. The welfare
29 of the person to be adopted shall be the paramount
30 consideration in interpreting this division. However,
31 the interests of the adopting parents shall be given
32 due consideration in this interpretation.

33 Sec. 11. NEW SECTION. DEFINITIONS.

34 1. "Child", "parent", "parent-child relationship",
35 "termination of parental rights", "biological parent",
36 "stepparent", "guardian", "custodian", "guardian ad
37 litem", "minor", "adult", "agency", "department",
38 "court", "juvenile court", "independent placement"
39 mean the same as defined in section two (2) of this
40 Act.

41 2. "Investigator" means a biological person who
42 is certified or approved by the department as being
43 capable of conducting an investigation under section
44 seventeen (17) of this Act.

45 Sec. 12. NEW SECTION. COMMENCEMENT OF ADOPTION
46 ACTION--JURISDICTION--FORUM NON CONVENIENS.

47 1. An action for the adoption of any natural
48 person shall be commenced by the filing of an adoption
49 petition, as prescribed in section fourteen (14) of
50 this Act, in the court of the county in which an adult

1 person to be adopted is domiciled or resides, or in
2 the court of the county in which the guardian of a
3 minor person to be adopted or the petitioner is
4 domiciled or resides.

5 2. Unless the person to be adopted is an adult,
6 an adoption petition shall not be filed until a
7 termination of parental rights has been accomplished.
8 However, this subsection shall not apply to the parent-
9 child relationship existing between a child and a
10 parent whose spouse is a petitioning stepparent of
11 that child.

12 3. If upon filing of the adoption petition or
13 at any later time in the adoption action the court
14 finds that in the interest of substantial justice
15 the adoption action should be conducted in another
16 court, it may transfer, stay, or dismiss the adoption
17 action on any conditions that are just.

18 Sec. 13. NEW SECTION. QUALIFICATIONS TO FILE
19 ADOPTION PETITION. Any person who may adopt may file
20 an adoption petition under section twelve (12) of
21 this Act. The following persons may adopt:

- 22 1. An unmarried adult.
- 23 2. A husband and wife together.
- 24 3. A husband or wife separately if the person
25 to be adopted is not the other spouse and if the
26 adopting spouse:
 - 27 a. Is the stepparent of the person to be adopted;
 - 28 b. Has been separated from the other spouse by
29 reason of the other spouse's abandonment as prescribed
30 in section five hundred ninety-seven point ten (597.10)
31 of the Code; or
 - 32 c. Is unable to petition with the other spouse
33 because of the prolonged and unexplained absence,
34 unavailability, or incapacity of the other spouse,
35 or because of an unreasonable withholding of joinder
36 by the other spouse, as determined by the court under
37 subsection seven (7) of section fourteen (14) of this
38 Act.

39 Sec. 14. NEW SECTION. CONTENTS OF AN ADOPTION
40 PETITION. An adoption petition shall be signed and
41 verified by the petitioner, shall be filed with the
42 court designated in section twelve (12) of this Act,
43 and shall state:

- 44 1. The name, as it appears on the birth certificate
45 or in a verified birth record or as it appears as
46 a result of marriage, and the residence or domicile
47 of the person to be adopted.
- 48 2. The date and place of birth of the person to
49 be adopted.
- 50 3. Any new name requested to be given the person

1 to be adopted.

2 4. The name, residence, and domicile of any
3 guardian, custodian, or guardian ad litem for the
4 person to be adopted.

5 5. The name, residence, and domicile of the
6 petitioner, if this is not required to be stated under
7 subsection four (4) of this section, and the date
8 or expected date on which the person to be adopted,
9 if a minor, began or begins living with the petitioner.

10 6. The name, residence, and domicile of any parent
11 of the person to be adopted.

12 7. A designation of the particular provision in
13 section thirteen (13) of this Act under which the
14 petitioner is qualified to adopt and, if under
15 paragraph c of subsection three (3) of section thirteen
16 (13), a request that the court approve the petitioner's
17 qualification to adopt.

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

21 9. A description of the facilities and resources,
22 including those provided under a subsidy agreement
23 pursuant to section six hundred point eleven (600.11)
24 through section six hundred point sixteen (600.16)
25 of the Code, that the petitioner is willing and able
26 to supply for the nurture and care of any minor person
27 to be adopted.

28 10. When and where termination of parental rights
29 pertaining to the person to be adopted have occurred,
30 if termination was required under section twelve (12)
31 of this Act.

32 Sec. 15. NEW SECTION. ATTACHMENTS TO AN ADOPTION
33 PETITION. An adoption petition shall have attached
34 to it the following:

35 1. A certified copy of the birth certificate
36 showing parentage of the person to be adopted or,
37 if such certificate is not available, a verified birth
38 record.

39 2. A copy of any order terminating parental rights
40 with respect to the person to be adopted.

41 3. Any written consent and verified statement
42 required under section sixteen (16) of this Act,
43 except the consent required under paragraph d of
44 subsection one (1) of that section.

45 4. Any pre-placement investigation report that
46 has been prepared at the time of filing pursuant to
47 section seventeen (17) of this Act.

48 Sec. 16. NEW SECTION. CONSENTS TO THE ADOPTION.

49 1. An adoption petition shall not be granted
50 unless the following persons consent to the adoption

1 or unless the court makes a determination under
2 subsection four (4) of this section:

- 3 a. Any guardian of the person to be adopted.
4 b. The spouse of a petitioner who is a stepparent.
5 c. The spouse of a petitioner who is separately
6 petitioning to adopt an adult person.
7 d. The person to be adopted if that person is
8 fourteen years of age or older.

9 2. A consent to the adoption shall be in writing,
10 shall name the person to be adopted and the petitioner,
11 shall be signed by the person consenting, and shall
12 be made in the following manner:

- 13 a. If by any minor person to be adopted who is
14 fourteen years of age or older, in the presence of
15 the court in which the adoption petition is filed.
16 b. If by any adult person to be adopted, either
17 in the presence of the court in which the adoption
18 petition is filed or before a notary public.

19 c. If by any other person, before a notary public.
20 3. A consent to the adoption may be withdrawn
21 prior to the issuance of an adoption decree under
22 section twenty-two (22) by the filing of an affidavit
23 of consent withdrawal with the court. Such affidavit
24 shall be treated in the same manner as an attached
25 verified statement is treated under subsection four
26 (4) of this section.

27 4. If any person required to consent under this
28 section refuses to or cannot be located to give
29 consent, the petitioner may attach to the petition
30 a verified statement of such refusal or lack of
31 location. The court shall then determine, at the
32 adoption hearing prescribed in section twenty-one
33 (21) of this Act, whether, in the best interests of
34 the person to be adopted and the petitioner, any
35 particular consent shall be unnecessary to the granting
36 of an adoption petition.

37 Sec. 17. NEW SECTION. PLACEMENT INVESTIGATIONS
38 AND REPORTS.

39 1. a. A pre-placement investigation shall be
40 directed to and a report of this investigation shall
41 answer the following:

42 (1) Whether the home of the prospective adoption
43 petitioner is a suitable one for the placement of
44 a minor person to be adopted.

45 (2) How the prospective adoption petitioner's
46 emotional maturity, finances, health, relationships,
47 and any other relevant factor may affect the
48 petitioner's ability to accept, care, and provide
49 a minor person to be adopted with an adequate
50 environment as that person matures.

1 b. A post-placement investigation and a report
2 of this investigation shall:

3 (1) Verify the allegations of the adoption petition
4 and its attachments and of the report of expenditures
5 required under section eighteen (18) of this Act.

6 (2) Evaluate the progress of the placement of
7 the minor person to be adopted.

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

11 c. A background information investigation and
12 a report of this investigation shall not disclose
13 the identity of the biological parents of the minor
14 person to be adopted and shall answer the following:

15 (1) What is the complete family medical history
16 of the person to be adopted, including any known
17 genetic, metabolic, or familial disorders.

18 (2) What is the complete medical and developmental
19 history of the person to be adopted.

20 2. a. A pre-placement investigation and report
21 of the investigation shall be completed and the
22 prospective adoption petitioner approved for a
23 placement by the person making the investigation prior
24 to any agency or independent placement of a minor
25 person in the petitioner's home in anticipation of
26 an ensuing adoption. A report of a pre-placement
27 investigation that has approved a prospective adoption
28 petitioner for a placement shall not authorize
29 placement of a minor person with that petitioner after
30 one year from the date of the report's issuance.
31 However, if the prospective adoption petitioner is
32 a stepparent or a relative within the fourth degree
33 of consanguinity who has assumed custody of a minor
34 person to be adopted, a pre-placement investigation
35 of this petitioner and a report of the investigation
36 may be completed at a time established by the court.
37 Also, any investigation and report required under
38 this subsection may be waived by the court if the
39 prospective adoption petitioner is a stepparent or
40 a relative to the person to be adopted within the
41 fourth degree of consanguinity.

42 b. If the person making the investigation does
43 not approve a prospective adoption petitioner under
44 paragraph a of this subsection, the person investigated
45 may appeal the disapproval as a contested case to
46 the commissioner of social services. Judicial review
47 of any adverse decision by the commissioner may be
48 sought pursuant to chapter seventeen A (17A) of the
49 Code.

50 3. The agency making an agency placement shall

1 conduct the pre-placement investigation and report
2 required under subsection two (2) of this section.
3 The department or an investigator shall conduct all
4 other investigations and reports required under
5 subsection two (2) of this section.

6 4. A post-placement and a background information
7 investigation and the reports of these investigations
8 shall be completed and the reports filed with the
9 court prior to the holding of the adoption hearing
10 prescribed in section twenty-one (21) of this Act.
11 Upon the filing of an adoption petition pursuant to
12 section fourteen (14) of this Act, the court shall
13 immediately appoint the department, an agency, or
14 an investigator to conduct this investigation and
15 report. Any person, including a juvenile court, who
16 has gained relevant background information concerning
17 a minor person subject to an adoption petition shall,
18 upon request, fully cooperate with the conducting
19 of the background information investigation and report
20 by disclosing any relevant background information,
21 whether contained in sealed records or not.

22 5. Any person conducting an investigation under
23 subsections three (3) and four (4) of this section
24 may, in the investigation or subsequent report,
25 include, utilize, or rely upon any reports, studies,
26 or examinations to the extent they are relevant.

27 6. Any person conducting an investigation under
28 subsections three (3) and four (4) may charge a fee
29 which does not exceed the reasonable cost of the
30 services rendered and which is based on a sliding
31 scale schedule relating to the investigated person's
32 ability to pay.

33 7. Any investigation or report required under
34 this section shall not apply when the person to be
35 adopted is an adult.

36 8. Any person designated to make an investigation
37 and report under this section may request an agency
38 or state agency, within or without this state, to
39 conduct a portion of the investigation or the report,
40 as may be appropriate, and to file a supplemental
41 report of such investigation or report with the court.

42 9. The department may investigate, on its own
43 initiative or on order of the court, any placement
44 made or adoption petition filed under this Act and
45 may report its resulting recommendation to the court.

46 10. The department or an agency may conduct any
47 investigations required for an interstate or
48 interagency placement.

49 11. Any person who assists in or impedes the
50 placement or adoption of a minor person in violation

1 of the provisions of this section shall be, upon
2 conviction, guilty of a misdemeanor, and shall be
3 fined not more than one hundred dollars or imprisoned
4 in the county jail for not more than thirty days.

5 Sec. 18. NEW SECTION. REPORT OF EXPENDITURES.

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

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

16 b. Placement of the minor person with the adoption
17 petitioner.

18 c. Medical care received by the biological parents
19 or the minor person during the pregnancy or delivery
20 of the minor person.

21 d. Any other services relating to the adoption
22 or to the placement of the minor person which were
23 received by or on behalf of the petitioner, the
24 biological parents, or any other person, including
25 legal fees.

26 The provisions of this subsection do not apply in
27 a stepparent adoption.

28 2. A biological parent shall not receive any thing
29 of value as a result of the biological parent's child
30 or former child being placed with and adopted by
31 another person, unless that thing of value is
32 commensurate with some necessary service provided
33 the biological parent in relation to childbirth, child
34 raising, or delivering the child for adoption. Any
35 person assisting in any way with the placement or
36 adoption of a minor person shall not charge a fee
37 which is more than usual, necessary, and commensurate
38 with the services rendered. If the biological parent
39 receives any prohibited thing of value, if a person
40 gives a prohibited thing of value, or if a person
41 charges a prohibited fee under this subsection, each
42 such person shall be, upon conviction, guilty of a
43 misdemeanor, and shall be fined not more than one
44 hundred dollars or imprisoned in the county jail for
45 not more than thirty days.

46 Sec. 19. NEW SECTION. MINIMUM RESIDENCE OF A
47 MINOR CHILD. The adoption of a minor person shall
48 not be decreed until that person has lived with the
49 adoption petitioner for a minimum residence period
50 of one hundred eighty days. However, the court may

1 waive this period if the adoption petitioner is a
2 stepparent or related to the minor person within the
3 fourth degree of consanguinity or may shorten this
4 period upon good cause shown when the court is
5 satisfied that the adoption petitioner and the person
6 to be adopted are suited to each other.

7 Sec. 20. NEW SECTION. NOTICE OF ADOPTION HEARING.

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

17 2. At least sixty days before the adoption hearing,
18 a copy of the petition and its attachments and a
19 notice of the adoption hearing shall be given by the
20 adoption petitioner to:

21 a. A guardian, guardian ad litem, and custodian
22 of, and any person in a parent-child relationship
23 with the person to be adopted.

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

25 c. The department.

26 d. Any person who is designated to make an
27 investigation and report under section seventeen (17)
28 of this Act.

29 e. Any other person who is required to consent
30 under section sixteen (16) of this Act.

31 3. A notice of the adoption hearing shall state
32 the time, place, and purpose of the hearing and shall
33 be given according to the appropriate rules of civil
34 procedure. Proof of the giving of notice shall be
35 filed with the court prior to the adoption hearing
36 and approved by the court prior to issuance of an
37 adoption decree under section twenty-two (22) of this
38 Act.

39 Sec. 21. NEW SECTION. ADOPTION HEARING.

40 1. An adoption hearing shall be conducted
41 informally as a hearing in equity. The hearing shall
42 be reported.

43 2. Only those persons notified under section
44 twenty (20) of this Act and their witnesses and legal
45 counsel or persons requested by the court to be present
46 shall be admitted to the court chambers while an
47 adoption hearing is being conducted. The adoption
48 petitioner and the person to be adopted shall be
49 present at the hearing, unless the presence of either
50 is excused by the court.

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

5 Sec. 22. NEW SECTION. ADOPTION DECREES.

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

- 8 a. Issue a final adoption decree;
9 b. Issue an interlocutory adoption decree; or,
10 c. Dismiss the adoption petition if the
11 requirements of this Act have not been met or if
12 dismissal of the adoption petition is in the best
13 interest of the person whose adoption has been
14 petitioned. Upon dismissal, the court shall determine
15 who is to be guardian or custodian of a minor child,
16 including the adoption petitioner if it is in the
17 best interest of the minor person whose adoption has
18 been petitioned.

19 2. An interlocutory adoption decree automatically
20 becomes a final adoption decree at a date specified
21 by the court in the interlocutory adoption decree
22 which date shall not be less than one hundred eighty
23 days nor more than three hundred sixty days from the
24 date the interlocutory decree is issued. However,
25 an interlocutory adoption decree may be vacated sooner
26 than the date specified in it by the court for good
27 cause shown. Also, the court may provide in the
28 interlocutory adoption decree for further observation,
29 investigation, and report of the conditions of and
30 the relationships between the adoption petitioner
31 and the person petitioned to be adopted.

32 3. Except as enumerated in subsection two (2)
33 of this section, an interlocutory adoption decree
34 shall have the same legal effect as a final adoption
35 decree. If an interlocutory adoption decree is vacated
36 under subsection two (2) of this section, it shall
37 be void from the date of issuance and the rights,
38 duties, and liabilities of all persons affected by
39 it shall, unless they have become vested, be governed
40 accordingly. Upon vacation of an interlocutory
41 adoption decree, the court shall proceed under the
42 provisions of paragraph.c of subsection one (1) of
43 this section.

44 4. A final adoption decree terminates any parental
45 rights, except those of a spouse of the adoption
46 petitioner, existing at the time of its issuance and
47 establishes the parent-child relationship between
48 the adoption petitioner and the person petitioned
49 to be adopted. Unless otherwise specified by law,
50 such parent-child relationship shall be deemed to

1 have been created at the birth of the child.

2 5. An interlocutory or a final adoption decree
3 shall be entered with the clerk of the court. Such
4 decree shall set forth any facts of the adoption
5 petition which have been proven to the satisfaction
6 of the court and any other facts considered to be
7 relevant by the court and shall grant the adoption
8 petition. If so designated in the adoption decree,
9 the name of the adopted person shall be changed by
10 issuance of that decree. The clerk of the court
11 shall, within thirty days of issuance, deliver one
12 certified copy of any adoption decree to the
13 petitioner, one copy of any adoption abstract to the
14 department and any agency or person making an
15 independent placement who placed a minor person for
16 adoption, and one certification of adoption as
17 prescribed in section one hundred forty-four point
18 nineteen (144.19) of the Code to the state registrar
19 of vital statistics. Upon receipt of the
20 certification, the state registrar shall prepare a
21 new birth certificate pursuant to section one hundred
22 forty-four point twenty-three (144.23) of the Code
23 and deliver to the parents named in the decree and
24 any adult person adopted by the decree a copy of the
25 new birth certificate. The parents shall pay the
26 fee prescribed in section one hundred forty-four point
27 forty-six (144.46) of the Code. If the person adopted
28 was born outside the state, the state registrar shall
29 forward the certification of adoption to the
30 appropriate agency in the state of birth. A copy
31 of any interlocutory adoption decree vacation shall
32 be delivered and another birth certificate shall be
33 prepared in the same manner as a certification of
34 adoption is delivered and the birth certificate was
35 originally prepared.

36 Sec. 23. NEW SECTION. APPEAL. An appeal from
37 any final order or decree rendered under this Act
38 shall be taken in the same manner as an appeal is
39 taken from a final judgment under the rules of civil
40 procedure. However, a rule of civil procedure
41 provision regarding a minimum amount of value in
42 controversy shall not bar an adoption appeal. The
43 supreme court shall review an adoption appeal de novo.

44 Sec. 24. NEW SECTION. FOREIGN AND INTERNATIONAL
45 ADOPTIONS.

46 1. A decree terminating a parent-child relationship
47 or establishing a parent-child relationship by adoption
48 which is issued pursuant to due process of law by
49 a court of any other jurisdiction, whether within
50 or without the United States, shall be recognized

in this state.

2. If there is a proxy adoption in the minor person's country of origin, a further adoption must occur in the state where the adopting parents reside in accordance with the adoption laws of that state.

3. The department may provide necessary assistance to an eligible citizen of Iowa who desires to, in accordance with the immigration laws of the United States, make an international adoption. For any such assistance the department may charge a fee which does not exceed the reasonable cost of services rendered and which is based on a sliding scale relating to the investigated person's ability to pay.

4. Any rules of the department relating to placement of a minor child for adoption which are more restrictive than comparable rules of agencies making international placements and laws of the United States shall not be enforced by the department in an international adoption.

Sec. 25. NEW SECTION. TERMINATION AND ADOPTION RECORD.

1. Any information compiled under subparagraphs one (1) and two (2) of paragraph.c of subsection one (1) of section seventeen (17) of this Act shall be made available at any time by the clerk of the court, the department, or any agency which made the placement to:

a. The adopting parents.

b. The adopted person who is an adult.

c. Any person approved by the department if the person uses this information solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.

2. The permanent termination of parental rights record of the juvenile court under division one (I) of this Act and the permanent adoption record of the court shall be sealed by the clerk of the juvenile court and the clerk of court, as appropriate, when they are complete and after the time for appeal has expired. All papers and records pertaining to a termination of parental rights under division one (I) of this Act and to an adoption, whether a part of the permanent termination and adoption records of the juvenile court and of the court or on file with a guardian, guardian ad litem, custodian, person who placed a minor person, or the department shall not be open to inspection and the identity of the biological parents of an adopted person shall not be revealed. However, an agency involved in placement shall contact the adopting parents or the adult adopted

1 child regarding eligibility of the adopted child for
2 benefits based on entitlement of benefits or
3 inheritance from the terminated biological parents.
4 Also, the clerk of the court shall, upon application
5 to and order of the court for good cause shown, open
6 the permanent adoption record of the court for the
7 adopted person who is an adult and reveal the names
8 of either or both of the biological parents, unless
9 either or both of the biological parents have filed
10 and not withdrawn an affidavit denying such revelation
11 as to each parent's name. If the adopted person who
12 applies for revelation of the biological parents'
13 name has a sibling who is a minor and who has been
14 adopted by the same parents, the court shall deny
15 such application on the grounds that revelation to
16 the applicant may also indirectly and harmfully permit
17 the same revelation to the applicant's minor sibling.
18 To facilitate the biological parents in filing such
19 affidavit, the department shall, upon request of such
20 parent, file an affidavit in the court in which the
21 adoption records have been sealed.

22 3. Notwithstanding any other provision in this
23 section, the juvenile court or court may, upon
24 competent medical evidence, open termination or
25 adoption records if opening is shown to be necessary
26 to save the life of or prevent irreparable physical
27 harm to an adopted person or the person's offspring.
28 The juvenile court or court shall make every reasonable
29 effort to prevent the identity of the biological
30 parents from becoming revealed under this subsection
31 to the adopted person. The juvenile court or court
32 may, however, permit revelation of the identity of
33 the biological parents to medical personnel attending
34 the adopted person or the person's offspring. These
35 medical personnel shall make every reasonable effort
36 to prevent the identity of the biological parents from
37 becoming revealed to the adopted person.

38 4. Any person, other than the adopting parents
39 or the adopted person, who discloses information in
40 violation of the provisions of this section shall
41 be, upon conviction, guilty of a misdemeanor, and
42 shall be fined not more than one hundred dollars or
43 imprisoned in the county jail for not more than thirty
44 days.

45 Division III

46 Section 26. Section one hundred forty-four point
47 one (144.1), subsection six (6), Code:1975, is amended
48 to read as follows:

49 6. "Vital statistics" means records of births,
50 deaths, fetal deaths, adoptions, marriages, divorces,

annulments, requests made under paragraph f of subsection one (1) of section six (6) of this Act, and data related thereto.

Sec. 27. Section one hundred forty-four point two (144.2), Code 1975, is amended to read as follows:

144.2 DIVISION OF RECORDS AND STATISTICS. There is hereby established in the department a division for records and statistics which shall install, maintain, and operate the system of vital statistics throughout the state. No system for the registration of ~~births, deaths, fetal deaths, adoptions, marriages, divorces, and annulments~~ vital statistics, shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter. Suitable quarters shall be provided for the division by the executive council at the seat of government. The quarters shall be properly equipped for the permanent and safe preservation of all official records made and returned under this chapter.

Sec. 28. Section one hundred forty-four point forty-three (144.43), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and his employees, and then only for administrative purposes. It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by regulation. However, requests for notification of a termination action shall be made available to the appropriate juvenile court, but shall not be made available in any other action for any other purpose.

Sec. 29. Chapter one hundred forty-four (144), Code 1975, is amended by adding the following new section:

NEW SECTION. A request made under paragraph f of subsection one (1) of section six (6) of this Act shall be destroyed nineteen years after it is filed or upon request of the person who filed the request.

Sec. 30. 1. Any termination of parental rights or adoption proceedings pending on the effective date of this Act shall not be affected by the provisions of this Act.

2. The department may allow access to adoption

records held by it or an agency if:

a. These records were compiled prior to the effective date of this Act and do not or can be made to not reveal the identity of the biological parents of an adopted person; and,

b. The person gaining access to these records uses them solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.

3. This Act shall take effect on January 1, 1977.

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

The judge of the juvenile court may appoint a referee in juvenile court proceedings. The referee shall be qualified for his duties by training and experience and shall hold office at the pleasure of the judge. The compensation of the referee shall be fixed by the judge. The judge may direct that any case or class of cases arising under chapter 232 or division one (I) of this Act shall be heard in the first instance by the referee in the manner provided for the hearing of cases by the court.

Sec. 32. Section two hundred thirty-two point two (232.2), subsections eight (8) and nine (9), Code 1975, are amended by striking the subsections and inserting in lieu thereof the following:

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

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

Sec. 33. Section two hundred thirty-two point twelve (232.12), Code 1975, is amended to read as follows:

232.12 OTHER ISSUES ADJUDICATED. When it appears during the course of any trial, hearing, or proceeding that some action or remedy other than or in addition to those indicated by the application or pleadings appears appropriate, the court may, provided all necessary parties consent, proceed to hear and determine the additional or other issues as though originally properly sought and pleaded. However, if termination of parental rights appears to be the appropriate action or remedy, the provisions of division one (I) of this Act must be followed.

Sec. 34. Section two hundred thirty-two point twenty-seven (232.27), Code 1975, is amended to read as follows:

232.27 HEARINGS TO COURT. Hearings on any matter shall be without a jury and may be conducted in an

1 informal manner. Hearings may be continued from time
2 to time and in the interim the court may make such
3 orders as it deems in the best interests of the child.
4 The court shall exclude the general public from
5 hearings and shall admit the news media, except in
6 those cases which in the opinion of the court the
7 best interest of the child and the public are served
8 by a private hearing. The court shall also admit
9 those persons who in the discretion of the court have
10 a direct interest in the case or in the work of the
11 court; except that if the hearing involves a child
12 charged by information or indictment with the
13 commission of a felony, persons having a legitimate
14 interest in the proceedings, including responsible
15 representatives of public information media, shall
16 not be excluded from such hearings. The court may
17 require the presence of witnesses deemed necessary
18 to the disposition of the petition. ~~Adoption-hearings~~
19 ~~shall-be-conducted-in-accordance-with-the-provisions~~
20 ~~of-laws-relating-to-adoption.~~

21 Sec. 35. Section two hundred thirty-two point
22 twenty-nine (232.29), Code 1975, is amended to read
23 as follows:

24 232.29 COUNTY ATTORNEY TO PRESENT EVIDENCE. The
25 county attorney shall present the evidence upon request
26 of the court in all proceedings ~~except adoptions.~~

27 Sec. 36. Section two hundred thirty-two point
28 thirty-six (232.36), Code 1975, is amended to read
29 as follows:

30 232.36 ORDERS CONTINUE TO MAJORITY OF CHILD.
31 All orders for supervision, custody, or commitment
32 shall be enforced until the minor reaches the age
33 of eighteen years unless otherwise specified by the
34 court. All orders shall be reviewed by the court
35 at least annually unless the court's jurisdiction
36 has been terminated. The court may make on its own
37 motion or on the motion of an interested party and
38 after notice to the parties and a hearing some other
39 disposition of the case so long as the court retains
40 jurisdiction. However, if termination of parental
41 rights is utilized as another disposition of the case,
42 the provisions of division one (I) of this Act must
43 be followed.

44 Sec. 37. Section two hundred thirty-two point
45 fifty-one (232.51), unnumbered paragraph one (1),
46 Code 1975, is amended to read as follows:

47 Whenever legal custody of a minor is transferred
48 by the court or whenever the minor is placed by the
49 court with someone other than the parents or whenever
50 a minor is given physical or mental examinations or

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

19 Sec. 38. Section two hundred thirty-two point
20 sixty-three (232.63), Code 1975, as amended by Acts
21 of the Sixty-sixth General Assembly, 1975 Session,
22 chapter one hundred forty-two (142), section ten (10),
23 is amended to read as follows:

24 232.63 WHEN JURISDICTION IS EXCLUSIVE. The
25 juvenile court shall have exclusive original
26 jurisdiction, only, in proceedings concerning any
27 child alleged to be delinquent, or a child alleged
28 to be in need of assistance, and in proceedings for
29 termination of parental rights under ~~sections 232.44~~
30 ~~through 232.50~~ division one (I) of this Act, and in
31 proceedings concerning any minor alleged to have been
32 a delinquent prior to having become eighteen years
33 of age except as otherwise provided by law.

34 Sec. 39. Section two hundred thirty-five point
35 three (235.3), subsection three (3), Code 1975, is
36 amended to read as follows:

37 3. Make such rules and regulations as may be
38 necessary or advisable for the supervision of the
39 private child-caring agencies or officers thereof
40 which the state director is empowered to license,
41 inspect and supervise, ~~which rules and regulations~~
42 ~~shall provide that in dealing with any child, any~~
43 ~~officer, employee or agency so dealing shall take~~
44 ~~into consideration the religious faith or affili-~~
45 ~~ations of the child or its parents, and that in placing~~
46 ~~such child it shall be, as far as practicable, placed~~
47 ~~in the home or the care and custody of some person~~
48 ~~holding the same religious faith as the parents of~~
49 ~~such child, or with or through some agency or~~
50 ~~institution controlled by persons of like religious~~

1 ~~faith-with-the-parents-of-said-child.~~

2 Sec. 40. Section two hundred thirty-eight point
3 twenty-four (238.24), unnumbered paragraph two (2),
4 Code 1975, is amended to read as follows:

5 Nothing herein shall prohibit the state director
6 from disclosing such facts to such proper persons
7 as may be in the interest of a child cared for by
8 such agency or in the interest of the child's parents
9 or foster parents and not inimical to the child, or
10 as may be necessary to protect the interests of the
11 child's prospective foster parents. However,
12 disclosure of termination and adoption records shall
13 be governed by the provisions of section twenty-five
14 (25) of this Act.

15 Sec. 41. Section two hundred thirty-eight point
16 thirty-two (238.32), subsection one (1), is amended
17 to read as follows:

18 1. Receive neglected, dependent, children in need
19 of assistance or delinquent children who are under
20 eighteen years of age, under commitment from the
21 juvenile court, and control and dispose of them subject
22 to the provisions of chapter 232 and of division one
23 (I) of this Act.

24 Sec. 42. Sections two hundred thirty-two point
25 forty (232.40) through two hundred thirty-two point
26 fifty (232.50), inclusive, section two hundred thirty-
27 two point sixty (232.60), and sections two hundred
28 thirty-eight point twenty-five (238.25) through two
29 hundred thirty-eight point twenty-nine (238.29),
30 inclusive, Code 1975, are repealed.

31 Sec. 43. Section four hundred twenty-two point
32 nine (422.9), subsection two (2), paragraph d, Code
33 1975, is amended to read as follows:

34 d. Add the amount by which expenses paid or
35 incurred in connection with the adoption of a child
36 by the taxpayer exceed three percent of the net income
37 of the taxpayer, or of the taxpayer and spouse in
38 the case of a joint return. The expenses may include
39 medical and hospital expenses of the natural mother
40 which are incident to the child's birth and are paid
41 by the taxpayer, welfare agency fees, legal fees,
42 and all other fees and costs relating to the adoption
43 of a child if the child is placed by a child-placing
44 agency licensed under chapter 238 or by a person
45 making an independent placement according to the
46 provisions of chapter six hundred (600) of the Code.

47 Sec. 44. Section six hundred thirty-three point
48 two hundred twenty-three (633.223), subsections two
49 (2) and three (3), Code 1975, are amended by striking
50 the subsections.

1 Sec. 45. Sections six hundred point one (600.1)
2 through six hundred point ten (600.10), Code 1975,
3 are amended by striking the sections and inserting
4 in lieu thereof division two (II) of this Act.

5 Sec. 46. The Code editor shall codify division
6 one (I) of this Act as a separate chapter of the
7 Code."

*Have refused to cover 4/15 (1969)
Senate inserted 4/21 (1332)*

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 614

To the Speaker of the House of Representatives and President of the Senate:

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 614, a bill for an Act relating to termination of parental rights and adoption and providing penalties, respectfully submit the following report:

That the Senate amendment, H-6243, to House File 614, as amended, passed, and reprinted by the House, be amended as follows:

1. Page 1, line 35, by striking the word "Biological" and inserting in lieu thereof the word "Natural".
2. Page 3, line 19, by striking the words "who is not an agency" and inserting in lieu thereof the words ", other than an agency,".
3. Page 3, line 50, by inserting after the word "two" the word "disinterested".
4. Page 4, by inserting after line 6 the following:
"h. Shall state the purpose of the release, including that if it is not revoked it may be grounds for termination, and shall fully inform the signing parent of the manner in which the parent may seek to revoke the release."
5. Page 4, lines 24 and 25, by striking the words "filing of a petition for" and inserting in lieu thereof the words "hearing on".
6. Page 4, line 28, by striking the words "revoked and" and inserting in lieu thereof the word "revoked."
7. Page 4, by striking lines 29 and 30 and inserting in lieu thereof the following:
"If, within ninety-six hours of signing the release, a parent petitions to have the release revoked, the juvenile

court shall order the release revoked. Otherwise, the juvenile court shall order the release revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. In determining whether good cause, other than fraud, coercion, or misrepresentation, exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child and due consideration to the interests of the parents of the child and of any person standing in the place of the parents."

8. Page 4, line 37, by inserting after the words "A parent" the words "or prospective parent".

9. Page 4, line 45, by inserting after the word "child" the words "or the pregnant woman".

10. Page 5, line 31, by striking the word "biological" and inserting in lieu thereof the word "natural".

11. Page 5, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

12. Page 5, line 35, by striking the words "Act or a parent," and inserting in lieu thereof the word "Act."

13. Page 5, by striking lines 36 through 50.

14. Page 6, by striking lines 1 through 7.

15. Page 6, by striking lines 24 through 33.

16. Page 6, line 34, by striking the number "5" and inserting in lieu thereof the number "4".

17. Page 6, line 50, by striking the number "6" and inserting in lieu thereof the number "5".

18. Page 7, line 1, by striking the word "shall" and inserting in lieu thereof the word "may".

19. Page 7, by inserting after line 12 the following:

"6. The juvenile court shall require that every reasonable effort is made to identify, locate, and notice an unidentified and unlocated necessary party. A reasonable effort to notice

this necessary party shall not be by published notice which includes the name of any identified necessary party. If the juvenile court reasonably concludes, upon a proper showing, that the identity and location of the necessary party has not been determined, the juvenile court shall, upon proper findings and order entered of record, dispense with notice to this necessary party."

20. Page 7, by striking lines 29 and 30 and inserting in lieu thereof the words "less than one week after the child is born."

21. Page 9, line 35, by striking the word "biological" and inserting in lieu thereof the word "natural".

22. Page 9, line 41, by striking the word "biological" and inserting in lieu thereof the word "natural".

23. Page 13, line 13, by striking the word "biological" and inserting in lieu thereof the word "natural".

24. Page 15, line 18, by striking the word "biological" and inserting in lieu thereof the word "natural".

25. Page 15, line 24, by striking the word "biological" and inserting in lieu thereof the word "natural".

26. Page 15, line 28, by striking the word "biological" and inserting in lieu thereof the word "natural".

27. Page 15, line 29, by striking the word "biological" and inserting in lieu thereof the word "natural".

28. Page 15, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

29. Page 15, line 38, by striking the word "biological" and inserting in lieu thereof the word "natural".

30. Page 19, line 48, by striking the word "biological" and inserting in lieu thereof the word "natural".

31. Page 20, line 3, by striking the word "biological" and inserting in lieu thereof the word "natural".

32. Page 20, line 8, by striking the word "biological" and inserting in lieu thereof the word "natural".

33. Page 20, line 8, by striking the words "parents,

unless" and inserting in lieu thereof the words "parents."

34. Page 20, by striking lines 9 through 11 and inserting in lieu thereof the following: "A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's name. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. If the adopted person who".

35. Page 20, line 12, by striking the word "biological" and inserting in lieu thereof the word "natural".

36. Page 20, line 18, by striking the word "biological" and inserting in lieu thereof the word "natural".

37. Page 20, line 29, by striking the word "biological" and inserting in lieu thereof the word "natural".

38. Page 20, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

39. Page 20, line 36, by striking the word "biological" and inserting in lieu thereof the word "natural".

40. Page 20, by striking lines 46 through 50.

41. Page 21, by striking lines 1 through 45 and renumbering the bill sections accordingly.

42. Page 22, line 4, by striking the word "biological" and inserting in lieu thereof the word "natural".

ON THE PART OF THE HOUSE:

M. Peter Middleton, Chair
Thomas J. Higgins
Joan Lipsky
Brice C. Oakley
FILED MAY 21, 1976

ON THE PART OF THE SENATE:

Minnette Doderer
William E. Gluba
James M. Redmond
Elizabeth Shaw

*House adopted 5/24 (3065)
Senate adopted 5/25 (2242)*

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 614

To the President of the Senate and the Speaker of the House
of Representatives:

We, the undersigned members of the first conference committee
appointed to consider the differences between the Senate and the
House of Representatives on House File 614, a bill for an Act
relating to termination of parental rights and adoption and
providing penalties, respectfully make the following report:

1. That the Senate and House conferees have failed to
reach an agreement.

ON THE PART OF THE HOUSE:

M. Peter Middleton, Chair
Thomas J. Higgins
Joyce Lonergan
Joan Lipsky
Brice C. Oakley

ON THE PART OF THE SENATE:

William E. Gluba, Chair
Minnette F. Doderer
James M. Redmond
Richard R. Ramsey
Elizabeth Shaw

FILED
MAY 6, 1976

HOUSE FILE 614

AN ACT

RELATING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION AND
PROVIDING PENALTIES.

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

Division I

Section 1. NEW SECTION. CONSTRUCTION. This division shall be construed liberally. The welfare of the child subject to the proceedings of this division shall be the paramount consideration in interpreting this division. However, the interests of the parents of this child or any natural person standing in the place of the parents to this child shall be given due consideration in this interpretation.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this division:

1. "Child" means a son or daughter of a parent, whether by birth or adoption.
2. "Parent" means a father or mother of a child, whether by birth or adoption.
3. "Parent-child relationship" means the relationship between a parent and a child recognized by the law as conferring certain rights and privileges and imposing certain duties. The term extends equally to every child and every parent, regardless of the marital status of the parents of the child. The rights, duties, and privileges recognized in the parent-child relationship include those which are maintained by a guardian, custodian, and guardian ad litem.
4. "Termination of parental rights" means a complete severance and extinguishment of a parent-child relationship between one or both living parents and the child.
5. "Natural parent" means a parent who has been a biological party to the procreation of the child.
6. "Stepparent" means a person who is the spouse of a parent in a parent-child relationship, but who is not a parent

in that parent-child relationship.

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

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

- a. To consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment.
- b. To serve as guardian ad litem, unless the interests of the guardian conflict with the interests of the minor child or unless another person has been appointed guardian ad litem.
- c. To serve as custodian, unless another person has been appointed custodian.
- d. To make reasonable visitations if the guardian does not have physical possession or custody of the minor child.
- e. To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.

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

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

- b. To protect, train, and discipline that child.
- c. To provide food, clothing, housing, and ordinary medical care for that child.
- d. To consent to emergency medical care, including surgery.
- e. To sign a release of medical information to a health professional.

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

9. "Guardian ad litem" means a person appointed by a court or juvenile court having jurisdiction over the minor child to represent that child in a legal action.

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

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

12. "Agency" means a child-placing agency as defined in section two hundred thirty-eight point two (238.2) of the Code or the department.

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

14. "Court" means a district court.

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

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

17. "Independent placement" means placement of a minor person by a person, other than an agency, in the home of a proposed parent in anticipation of an ensuing adoption.

Sec. 3. NEW SECTION. EXCLUSIVITY. Termination of parental rights shall be accomplished only according to the provisions

of this division. However, termination of parental rights between an adult child and the child's parents may be accomplished by a decree of adoption establishing a new parent-child relationship.

Sec. 4. NEW SECTION. RELATIONSHIP UNALTERED--RELEASE OF CUSTODY--VOLUNTARINESS OF RELEASE.

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

2. A release of custody:

- a. Shall be accepted only by an agency or a person making an independent placement.
- b. Shall not be accepted by a person who in any way intends to adopt the child who is the subject of the release.
- c. Shall be in writing.
- d. Shall be signed, not less than seventy-two hours after the birth of the child to be released, by all living parents.
- e. Shall be witnessed by two disinterested persons familiar with the parent-child relationship.
- f. Shall name the person who is accepting the release.
- g. Shall be followed, within a reasonable time, by the filing of a petition for termination of parental rights under section five (5) of this Act.
- h. Shall state the purpose of the release, including that if it is not revoked it may be grounds for termination, and shall fully inform the signing parent of the manner in which the parent may seek to revoke the release.

3. Notwithstanding the provisions of subsection two (2) of this section, an agency or a person making an independent placement may assume custody of a minor child upon the signature of the one living parent who has possession of the minor child if the agency or a person making an independent

placement immediately petitions the juvenile court designated in section five (5) of this Act to be appointed custodian and otherwise petitions, within a reasonable time, for termination of parental rights under section five (5) of this Act. Upon the custody petition, the juvenile court may appoint a guardian as well as a custodian. A nonsigning parent may be heard on the custody petition at the hearing on termination of parental rights provided in section six (6) of this Act.

4. A parent who signs a release of custody may petition, within the time prior to the hearing on termination of parental rights, or may request, at the hearing on termination of parental rights, the juvenile court designated in section five (5) of this Act, to order the release revoked. If, within ninety-six hours of signing the release a parent petitions to have the release revoked, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. In determining whether good cause, other than fraud, coercion, or misrepresentation, exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child and due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

Sec. 5. NEW SECTION. PETITION FOR TERMINATION.

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

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

terminated.

2. A petition for termination of parental rights shall be filed with the juvenile court in which the guardian or custodian of the child resides or the child or the pregnant woman is domiciled. However, if a juvenile court has made an order pertaining to a minor child under section two hundred thirty-two point thirty-three (232.33) of the Code and that order is still in force, the petition shall be filed with that juvenile court.

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

- a. The legal name, age, and domicile, if any, of the child.
- b. The names, residences, and domicile of any:
 - (1) Living parents of the child.
 - (2) Guardian of the child.
 - (3) Custodian of the child.
 - (4) Guardian ad litem of the child.
 - (5) Petitioner.
 - (6) Person standing in the place of the parents of the child.
- c. A plain statement of the facts and grounds in section eight (8) of this Act which indicate that the parent-child relationship should be terminated.
- d. A plain statement explaining why the petitioner does not know any of the information required under paragraphs a and b of this subsection.
- e. The signature and verification of the petitioner.

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

1. A termination of parental rights shall, unless provided otherwise in this section, be effectuated only after notice has been served on all necessary parties and these parties have been given an opportunity to be heard before the juvenile court. A "necessary party" includes any person whose name, residence, and domicile is required to be included on the petition under paragraphs a and b of subsection three (3) of section five (5) of this Act. However, a "necessary party"

does not include a natural parent who has been adjudicated to have raped the other natural parent thereby producing the birth of the child designated in paragraph a of subsection three (3) of section five (5) of this Act.

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

3. Notice under this section may be served personally or constructively, as specified under subsections four (4), five (5), and six (6) of this section. This notice shall state:

- a. The time and place of the hearing on termination of parental rights.
- b. A clear statement of the purpose of the action and hearing.

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

5. A necessary party whose identity is known but whose location or last location is unknown may be served by published notice. Such notice shall be served according to the rules of civil procedure relating to an original notice where not

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

6. The juvenile court shall require that every reasonable effort is made to identify, locate, and notice an unidentified and unlocated necessary party. A reasonable effort to notice this necessary party shall not be by published notice which includes the name of any identified necessary party. If the juvenile court reasonably concludes, upon a proper showing, that the identity and location of the necessary party has not been determined, the juvenile court shall, upon proper findings and order entered of record, dispense with notice to this necessary party.

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

Sec. 7. NEW SECTION. TERMINATION HEARING--FORUM NON CONVENIENS.

1. The hearing on termination of parental rights shall be conducted in accordance to the provisions of sections two hundred thirty-two point twenty-seven (232.27), two hundred thirty-two point twenty-eight (232.28), two hundred thirty-two point thirty (232.30), and two hundred thirty-two point thirty-two (232.32) of the Code and otherwise in accordance with the rules of civil procedure. Such hearing shall be held not less than one week after the child is born.

2. Relevant information, including that contained in reports, studies, or examinations and testified to by interested persons, may be admitted into evidence at the hearing and relied upon to the extent of its probative value. When such information is so admitted, the person sponsoring

it or testifying shall be subject to both direct and cross-examination by a necessary party.

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

Sec. 8. NEW SECTION. GROUND FOR TERMINATION. The juvenile court shall base its findings and order under section nine (9) of this Act on clear and convincing proof. The following shall be, either separately or jointly, grounds for ordering termination of parental rights:

1. A parent has signed a release of custody pursuant to section four (4) of this Act and the release has not been revoked.

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

3. A parent has abandoned the child.

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

5. A parent is palpably unfit to be a party to the parent-child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent-child relationship either of which are determined by the juvenile court to be permanently detrimental to the physical or mental health of the child.

6. If, following an adjudication that the child is in need of assistance under chapter two hundred thirty-two (232) of the Code, reasonable efforts under the direction of the juvenile court have failed to correct the conditions giving rise to this adjudication.

7. A parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has failed to do so without good cause. This subsection shall not be construed so as to state a grounds for termination

of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth.

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

1. Subsequent to the hearing on termination of parental rights, the juvenile court shall make a finding of facts and shall order that either:

a. The petition be dismissed;

b. The petition should not be granted at that time, but that conditions indicating that the child is in need of assistance exist, and an order to that effect is issued pursuant to section two hundred thirty-two point thirty-three (232.33) of the Code; or,

c. The petition be granted. The juvenile court shall appoint a guardian and a custodian or a guardian only. An order issued under this paragraph shall include the finding of facts. This finding shall enumerate the factual basis which indicates that the parent-child relationship should be terminated and shall specify how this finding applies to the grounds upon which the termination is ordered.

2. If an order is issued under paragraph c of subsection one (1) of this section, the juvenile court shall retain jurisdiction to change a guardian or custodian and to allow a terminated parent to request vacation of the termination order if:

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

b. The guardian consents in writing to the vacation. The juvenile court shall grant the vacation request if it is in the best interest of the child.

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

a. The department.

b. The petitioner.

c. The parents whose rights have been terminated if they

request such copies.

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

request such copies.

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

Division II

Sec. 10. NEW SECTION. CONSTRUCTION. This division shall be construed liberally. The welfare of the person to be adopted shall be the paramount consideration in interpreting this division. However, the interests of the adopting parents shall be given due consideration in this interpretation.

Sec. 11. NEW SECTION. DEFINITIONS.

1. "Child", "parent", "parent-child relationship", "termination of parental rights", "natural parent", "stepparent", "guardian", "custodian", "guardian ad litem", "minor", "adult", "agency", "department", "court", "juvenile court", "independent placement" mean the same as defined in section two (2) of this Act.

2. "Investigator" means a natural person who is certified or approved by the department as being capable of conducting an investigation under section seventeen (17) of this Act.

Sec. 12. NEW SECTION. COMMENCEMENT OF ADOPTION ACTION--JURISDICTION--FORUM NON CONVENIENS.

1. An action for the adoption of any natural person shall be commenced by the filing of an adoption petition, as prescribed in section fourteen (14) of this Act, in the court of the county in which an adult person to be adopted is domiciled or resides, or in the court of the county in which the guardian of a minor person to be adopted or the petitioner is domiciled or resides.

2. Unless the person to be adopted is an adult, an adoption petition shall not be filed until a termination of parental rights has been accomplished. However, this subsection shall not apply to the parent-child relationship existing between a child and a parent whose spouse is a petitioning stepparent of that child.

3. If upon filing of the adoption petition or at any later time in the adoption action the court finds that in the interest of substantial justice the adoption action should

be conducted in another court, it may transfer, stay, or dismiss the adoption action on any conditions that are just.

Sec. 13. NEW SECTION. QUALIFICATIONS TO FILE ADOPTION PETITION. Any person who may adopt may file an adoption petition under section twelve (12) of this Act. The following persons may adopt:

1. An unmarried adult.
2. A husband and wife together.
3. A husband or wife separately if the person to be adopted is not the other spouse and if the adopting spouse:
 - a. Is the stepparent of the person to be adopted;
 - b. Has been separated from the other spouse by reason of the other spouse's abandonment as prescribed in section five hundred ninety-seven point ten (597.10) of the Code; or
 - c. Is unable to petition with the other spouse because of the prolonged and unexplained absence, unavailability, or incapacity of the other spouse, or because of an unreasonable withholding of joinder by the other spouse, as determined by the court under subsection seven (7) of section fourteen (14) of this Act.

Sec. 14. NEW SECTION. CONTENTS OF AN ADOPTION PETITION. An adoption petition shall be signed and verified by the petitioner, shall be filed with the court designated in section twelve (12) of this Act, and shall state:

1. The name, as it appears on the birth certificate or in a verified birth record or as it appears as a result of marriage, and the residence or domicile of the person to be adopted.
2. The date and place of birth of the person to be adopted.
3. Any new name requested to be given the person to be adopted.
4. The name, residence, and domicile of any guardian, custodian, or guardian ad litem for the person to be adopted.
5. The name, residence, and domicile of the petitioner, if this is not required to be stated under subsection four (4) of this section, and the date or expected date on which

the person to be adopted, if a minor, began or begins living with the petitioner.

6. The name, residence, and domicile of any parent of the person to be adopted.

7. A designation of the particular provision in section thirteen (13) of this Act under which the petitioner is qualified to adopt and, if under paragraph c of subsection three (3) of section thirteen (13), a request that the court approve the petitioner's qualification to adopt.

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

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

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

Sec. 15. NEW SECTION. ATTACHMENTS TO AN ADOPTION PETITION. An adoption petition shall have attached to it the following:

1. A certified copy of the birth certificate showing parentage of the person to be adopted or, if such certificate is not available, a verified birth record.

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

3. Any written consent and verified statement, required under section sixteen (16) of this Act, except the consent required under paragraph d of subsection one (1) of that section.

4. Any pre-placement investigation report that has been prepared at the time of filing pursuant to section seventeen (17) of this Act.

Sec. 16. NEW SECTION. CONSENTS TO THE ADOPTION.

1. An adoption petition shall not be granted unless the

following persons consent to the adoption or unless the court makes a determination under subsection four (4) of this section:

a. Any guardian of the person to be adopted.

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

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

d. The person to be adopted if that person is fourteen years of age or older.

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

a. If by any minor person to be adopted who is fourteen years of age or older, in the presence of the court in which the adoption petition is filed.

b. If by any adult person to be adopted, either in the presence of the court in which the adoption petition is filed or before a notary public.

c. If by any other person, before a notary public.

3. A consent to the adoption may be withdrawn prior to the issuance of an adoption decree under section twenty-two (22) by the filing of an affidavit of consent withdrawal with the court. Such affidavit shall be treated in the same manner as an attached verified statement is treated under subsection four (4) of this section.

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

Sec. 17. NEW SECTION. PLACEMENT INVESTIGATIONS AND REPORTS.

1. a. A pre-placement investigation shall be directed

to and a report of this investigation shall answer the following:

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

(2) How the prospective adoption petitioner's emotional maturity, finances, health, relationships, and any other relevant factor may affect the petitioner's ability to accept, care, and provide a minor person to be adopted with an adequate environment as that person matures.

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

(1) Verify the allegations of the adoption petition and its attachments and of the report of expenditures required under section eighteen (18) of this Act.

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

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

c. A background information investigation and a report of this investigation shall not disclose the identity of the natural parents of the minor person to be adopted and shall answer the following:

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

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

2. a. A pre-placement investigation and report of the investigation shall be completed and the prospective adoption petitioner approved for a placement by the person making the investigation prior to any agency or independent placement of a minor person in the petitioner's home in anticipation of an ensuing adoption. A report of a pre-placement investigation that has approved a prospective adoption petitioner for a placement shall not authorize placement of a minor person with that petitioner after one year from the

date of the report's issuance. However, if the prospective adoption petitioner is a stepparent or a relative within the fourth degree of consanguinity who has assumed custody of a minor person to be adopted, a pre-placement investigation of this petitioner and a report of the investigation may be completed at a time established by the court. Also, any investigation and report required under this subsection may be waived by the court if the prospective adoption petitioner is a stepparent or a relative to the person to be adopted within the fourth degree of consanguinity.

b. If the person making the investigation does not approve a prospective adoption petitioner under paragraph a of this subsection, the person investigated may appeal the disapproval as a contested case to the commissioner of social services. Judicial review of any adverse decision by the commissioner may be sought pursuant to chapter seventeen A (17A) of the Code.

3. The agency making an agency placement shall conduct the pre-placement investigation and report required under subsection two (2) of this section. The department or an investigator shall conduct all other investigations and reports required under subsection two (2) of this section.

4. A post-placement and a background information investigation and the reports of these investigations shall be completed and the reports filed with the court prior to the holding of the adoption hearing prescribed in section twenty-one (21) of this Act. Upon the filing of an adoption petition pursuant to section fourteen (14) of this Act, the court shall immediately appoint the department, an agency, or an investigator to conduct this investigation and report. Any person, including a juvenile court, who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of the background information investigation and report by disclosing any relevant background information, whether contained in sealed records or not.

5. Any person conducting an investigation under subsections

three (3) and four (4) of this section may, in the investigation or subsequent report, include, utilize, or rely upon any reports, studies, or examinations to the extent they are relevant.

6. Any person conducting an investigation under subsections three (3) and four (4) may charge a fee which does not exceed the reasonable cost of the services rendered and which is based on a sliding scale schedule relating to the investigated person's ability to pay.

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

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

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

10. The department or an agency may conduct any investigations required for an interstate or interagency placement.

11. Any person who assists in or impedes the placement or adoption of a minor person in violation of the provisions of this section shall be, upon conviction, guilty of a misdemeanor, and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.

Sec. 18. NEW SECTION. REPORT OF EXPENDITURES.

1. An adoption petitioner of a minor person shall file with the court, prior to the adoption hearing, a full accounting of all disbursements of anything of value paid or agreed to be paid by or on behalf of the petitioner in connection with the petitioned adoption. This accounting shall be made by a report prescribed by the court. The report

shall be signed and verified by the petitioner and shall show any expenses incurred in connection with:

- a. The birth of the minor person to be adopted.
- b. Placement of the minor person with the adoption petitioner.
- c. Medical care received by the natural parents or the minor person during the pregnancy or delivery of the minor person.
- d. Any other services relating to the adoption or to the placement of the minor person which were received by or on behalf of the petitioner, the natural parents, or any other person, including legal fees.

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

2. A natural parent shall not receive any thing of value as a result of the natural parent's child or former child being placed with and adopted by another person, unless that thing of value is commensurate with some necessary service provided the natural parent in relation to childbirth, child raising, or delivering the child for adoption. Any person assisting in any way with the placement or adoption of a minor person shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered. If the natural parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person charges a prohibited fee under this subsection, each such person shall be, upon conviction, guilty of a misdemeanor, and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.

Sec. 19. NEW SECTION. MINIMUM RESIDENCE OF A MINOR CHILD. The adoption of a minor person shall not be decreed until that person has lived with the adoption petitioner for a minimum residence period of one hundred eighty days. However, the court may waive this period if the adoption petitioner is a stepparent or related to the minor person within the fourth degree of consanguinity or may shorten this period upon good cause shown when the court is satisfied that the

adoption petitioner and the person to be adopted are suited to each other.

Sec. 20. NEW SECTION. NOTICE OF ADOPTION HEARING.

1. The court shall set the time and place of the adoption hearing prescribed in section twenty-one (21) of this Act upon application of the petitioner. The court may continue the adoption hearing if the notice prescribed in subsections two (2) and three (3) of this section is given, except that such notice shall only be given at least ten days prior to the date which has been set for the continuation of the adoption hearing.

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

- a. A guardian, guardian ad litem, and custodian of, and any person in a parent-child relationship with the person to be adopted.
- b. The person to be adopted who is an adult.
- c. The department.
- d. Any person who is designated to make an investigation and report under section seventeen (17) of this Act.
- e. Any other person who is required to consent under section sixteen (16) of this Act.

3. A notice of the adoption hearing shall state the time, place, and purpose of the hearing and shall be given according to the appropriate rules of civil procedure. Proof of the giving of notice shall be filed with the court prior to the adoption hearing and approved by the court prior to issuance of an adoption decree under section twenty-two (22) of this Act.

Sec. 21. NEW SECTION. ADOPTION HEARING.

1. An adoption hearing shall be conducted informally as a hearing in equity. The hearing shall be reported.
2. Only those persons notified under section twenty (20) 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. 22. 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 dismissal of the adoption petition is in the best interest of the person whose adoption has been petitioned. 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 whose adoption has been petitioned.

2. An interlocutory adoption decree automatically becomes a final adoption decree at a date specified by the court in the interlocutory adoption decree which date shall not be 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 legal effect as a final adoption decree. If an interlocutory adoption decree is vacated under subsection two (2) of this section, it shall be void from the date of issuance and the rights, duties, and liabilities of all persons affected by

it shall, unless they have become vested, be governed accordingly. Upon vacation of an interlocutory adoption decree, the court shall proceed under the provisions of paragraph c of subsection one (1) of this section.

4. A final adoption decree terminates any parental rights, except those of a spouse of the adoption petitioner, existing at the time of its issuance and establishes the parent-child relationship between the adoption petitioner and the person petitioned to be adopted. Unless otherwise specified by law, such parent-child relationship shall be deemed to have been created at the birth of the child.

5. An interlocutory or a final adoption decree shall be entered with the clerk of the court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the court and any other facts considered to be relevant by the court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption abstract to the department and any agency or person making an independent placement who placed a minor person for adoption, and one certification of adoption as prescribed in section one hundred forty-four point nineteen (144.19) of the Code to the state registrar of vital statistics. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section one hundred forty-four point twenty-three (144.23) of the Code and deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate. The parents shall pay the fee prescribed in section one hundred forty-four point forty-six (144.46) of the Code. If the person adopted was born outside the state, the state registrar shall forward the certification of adoption to the appropriate agency in the state of birth. A copy of any interlocutory adoption decree vacation shall be delivered and another birth

certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

Sec. 23. NEW SECTION. APPEAL. An appeal from any final order or decree rendered under this Act shall be taken in the same manner as an appeal is taken from a final judgment under the rules of civil procedure. However, a rule of civil procedure provision regarding a minimum amount of value in controversy shall not bar an adoption appeal. The supreme court shall review an adoption appeal de novo.

Sec. 24. NEW SECTION. FOREIGN AND INTERNATIONAL ADOPTIONS.

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

2. If there is a proxy adoption in the minor person's country of origin, a further adoption must occur in the state where the adopting parents reside in accordance with the adoption laws of that state.

3. The department may provide necessary assistance to an eligible citizen of Iowa who desires to, in accordance with the immigration laws of the United States, make an international adoption. For any such assistance the department may charge a fee which does not exceed the reasonable cost of services rendered and which is based on a sliding scale relating to the investigated person's ability to pay.

4. Any rules of the department relating to placement of a minor child for adoption which are more restrictive than comparable rules of agencies making international placements and laws of the United States shall not be enforced by the department in an international adoption.

Sec. 25. NEW SECTION. TERMINATION AND ADOPTION RECORD.

1. Any information compiled under subparagraphs one (1) and two (2) of paragraph c of subsection one (1) of section seventeen (17) of this Act shall be made available at any time by the clerk of the court, the department, or any agency

which made the placement to:

- a. The adopting parents.
 - b. The adopted person who is an adult.
 - c. Any person approved by the department if the person uses this information solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.
2. The permanent termination of parental rights record of the juvenile court under division one (I) of this Act and the permanent adoption record of the court shall be sealed by the clerk of the juvenile court and the clerk of court, as appropriate, when they are complete and after the time for appeal has expired. All papers and records pertaining to a termination of parental rights under division one (I) of this Act and to an adoption, whether a part of the permanent termination and adoption records of the juvenile court and of the court or on file with a guardian, guardian ad litem, custodian, person who placed a minor person, or the department shall not be open to inspection and the identity of the natural parents of an adopted person shall not be revealed. However, an agency involved in placement shall contact the adopting parents or the adult adopted child regarding eligibility of the adopted child for benefits based on entitlement of benefits or inheritance from the terminated natural parents. Also, the clerk of the court shall, upon application to and order of the court for good cause shown, open the permanent adoption record of the court for the adopted person who is an adult and reveal the names of either or both of the natural parents. A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's name. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. If the adopted person who applies for revelation of the natural parents' name has a sibling who is a minor and who has been adopted by the same parents, the court shall deny such application on the grounds that revelation to the applicant may also indirectly and harmfully permit the same revelation to the

applicant's minor sibling. To facilitate the natural parents in filing such affidavit, the department shall, upon request of such parent, file an affidavit in the court in which the adoption records have been sealed.

3. Notwithstanding any other provision in this section, the juvenile court or court may, upon competent medical evidence, open termination or adoption records if opening is shown to be necessary to save the life of or prevent irreparable physical harm to an adopted person or the person's offspring. The juvenile court or court shall make every reasonable effort to prevent the identity of the natural parents from becoming revealed under this subsection to the adopted person. The juvenile court or court may, however, permit revelation of the identity of the natural parents to medical personnel attending the adopted person or the person's offspring. These medical personnel shall make every reasonable effort to prevent the identity of the natural parents from becoming revealed to the adopted person.

4. Any person, other than the adopting parents or the adopted person, who discloses information in violation of the provisions of this section shall be, upon conviction, guilty of a misdemeanor, and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.

Division III

Sec. 26. 1. Any termination of parental rights or adoption proceedings pending on the effective date of this Act shall not be affected by the provisions of this Act.

2. The department may allow access to adoption records held by it or an agency if:

- a. These records were compiled prior to the effective date of this Act and do not or can be made to not reveal the identity of the natural parents of an adopted person; and,
- b. The person gaining access to these records uses them solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.

3. This Act shall take effect on January 1, 1977.

Sec. 27. Section two hundred thirty-one point three (231.3), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The judge of the juvenile court may appoint a referee in juvenile court proceedings. The referee shall be qualified for his duties by training and experience and shall hold office at the pleasure of the judge. The compensation of the referee shall be fixed by the judge. The judge may direct that any case or class of cases arising under chapter 232 or division one (I) of this Act shall be heard in the first instance by the referee in the manner provided for the hearing of cases by the court.

Sec. 28. Section two hundred thirty-two point two (232.2), subsections eight (8) and nine (9), Code 1975, are amended by striking the subsections and inserting in lieu thereof the following:

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

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

Sec. 29. Section two hundred thirty-two point twelve (232.12), Code 1975, is amended to read as follows:

232.12 OTHER ISSUES ADJUDICATED. When it appears during the course of any trial, hearing, or proceeding that some action or remedy other than or in addition to those indicated by the application or pleadings appears appropriate, the court may, provided all necessary parties consent, proceed to hear and determine the additional or other issues as though originally properly sought and pleaded. However, if termination of parental rights appears to be the appropriate action or remedy, the provisions of division one (I) of this Act must be followed.

Sec. 30. Section two hundred thirty-two point twenty-seven (232.27), Code 1975, is amended to read as follows:

232.27 HEARINGS TO COURT. Hearings on any matter shall be without a jury and may be conducted in an informal manner. Hearings may be continued from time to time and in the interim

the court may make such orders as it deems in the best interests of the child. The court shall exclude the general public from hearings and shall admit the news media, except in those cases which in the opinion of the court the best interest of the child and the public are served by a private hearing. The court shall also admit those persons who in the discretion of the court have a direct interest in the case or in the work of the court; except that if the hearing involves a child charged by information or indictment with the commission of a felony, persons having a legitimate interest in the proceedings, including responsible representatives of public information media, shall not be excluded from such hearings. The court may require the presence of witnesses deemed necessary to the disposition of the petition. ~~Adeoption-hearings-shall-be-conducted-in accordance-with-the-provisions-of-laws-relating-to-adeoption-~~

Sec. 31. Section two hundred thirty-two point twenty-nine (232.29), Code 1975, is amended to read as follows:

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

Sec. 32. Section two hundred thirty-two point thirty-six (232.36), Code 1975, is amended to read as follows:

232.36 ORDERS CONTINUE TO MAJORITY OF CHILD. All orders for supervision, custody, or commitment shall be enforced until the minor reaches the age of eighteen years unless otherwise specified by the court. All orders shall be reviewed by the court at least annually unless the court's jurisdiction has been terminated. The court may make on its own motion or on the motion of an interested party and after notice to the parties and a hearing some other disposition of the case so long as the court retains jurisdiction. However, if termination of parental rights is utilized as another disposition of the case, the provisions of division one (I) of this Act must be followed.

Sec. 33. Section two hundred thirty-two point fifty-one (232.51), unnumbered paragraph one (1), Code 1975, is amended

to read as follows:

Whenever legal custody of a minor is transferred by the court or whenever the minor is placed by the court with someone other than the parents or whenever a minor is given physical or mental examinations or treatment under order of the court and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, the costs shall be charged upon the funds of the county in which the proceedings are held upon certification of the judge to the board of supervisors. ~~Except where the parent-child relationship is terminated, the~~ The court may inquire into the ability of the parents to support the minor and after giving the parents a reasonable opportunity to be heard may order the parents to pay in the manner and to whom the court may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the minor. If the parents fail to pay the sum without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid sums or both.

Sec. 34. Section two hundred thirty-two point sixty-three (232.63), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred forty-two (142), section ten (10), is amended to read as follows:

232.63 WHEN JURISDICTION IS EXCLUSIVE. The juvenile court shall have exclusive original jurisdiction, only, in proceedings concerning any child alleged to be delinquent, or a child alleged to be in need of assistance, and in proceedings for termination of parental rights under ~~sections 232-44 through 232-50~~ division one (I) of this Act, and in proceedings concerning any minor alleged to have been a delinquent prior to having become eighteen years of age except as otherwise provided by law.

Sec. 35. Section two hundred thirty-five point three (235.3), subsection three (3), Code 1975, is amended to read as follows:

3. Make such rules and regulations as may be necessary

or advisable for the supervision of the private child-caring agencies or officers thereof which the state director is empowered to license, inspect and supervise, ~~which rules and regulations shall provide that in dealing with any child, any officer, employee or agency so dealing shall take into consideration the religious faith or affiliations of the child or its parents, and that in placing such child it shall be, as far as practicable, placed in the home or the care and custody of some person holding the same religious faith as the parents of such child, or with or through some agency or institution controlled by persons of like religious faith with the parents of said child.~~

Sec. 36. Section two hundred thirty-eight point twenty-four (238.24), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Nothing herein shall prohibit the state director from disclosing such facts to such proper persons as may be in the interest of a child cared for by such agency or in the interest of the child's parents or foster parents and not inimical to the child, or as may be necessary to protect the interests of the child's prospective foster parents. However, disclosure of termination and adoption records shall be governed by the provisions of section twenty-five (25) of this Act.

Sec. 37. Section two hundred thirty-eight point thirty-two (238.32), subsection one (1), is amended to read as follows:

1. Receive ~~neglected, dependent,~~ children in need of assistance or delinquent children who are under eighteen years of age, under commitment from the juvenile court, and control and dispose of them subject to the provisions of chapter 232 and of division one (I) of this Act.

Sec. 38. Sections two hundred thirty-two point forty (232.40) through two hundred thirty-two point fifty (232.50), inclusive, section two hundred thirty-two point sixty (232.60), and sections two hundred thirty-eight point twenty-five (238.25) through two hundred thirty-eight point twenty-nine

(238.29), inclusive, Code 1975, are repealed.

Sec. 39. Section four hundred twenty-two point nine (422.9), subsection two (2), paragraph d, Code 1975, is amended to read as follows:

d. Add the amount by which expenses paid or incurred in connection with the adoption of a child by the taxpayer exceed three percent of the net income of the taxpayer, or of the taxpayer and spouse in the case of a joint return. The expenses may include medical and hospital expenses of the natural mother which are incident to the child's birth and are paid by the taxpayer, welfare agency fees, legal fees, and all other fees and costs relating to the adoption of a child if the child is placed by a child-placing agency licensed under chapter 238 or by a person making an independent placement according to the provisions of chapter six hundred (600) of the Code.

Sec. 40. Section six hundred thirty-three point two hundred twenty-three (633.223), subsections two (2) and three (3), Code 1975, are amended by striking the subsections.

Sec. 41. Sections six hundred point one (600.1) through six hundred point ten (600.10), Code 1975, are amended by striking the sections and inserting in lieu thereof division two (II) of this Act.

Sec. 42. The Code editor shall codify division one (I) of this Act as a separate chapter of the Code.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 614, Sixty-sixth General Assembly.

Approved June 28th, 1976

DAVID L. WRAY
Chief Clerk of the House

ROBERT D. RAY
Governor