

Judiciary
Kudart, Chairperson
Baughner
Coleman

*Amend. of 34396
to 739 4/23/81 (p. 1396)*

HOUSE FILE 739

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Place On Calendar

(Formerly Study Bill 213)

Passed House, Date 3-12-81 (p. 774) Passed Senate, Date 4-23-81 (p. 1396)

Vote: Ayes 74 Nays 0 Vote: Ayes 45 Nays 0

Approved May 18, 1981

*Repassed House 5-6-81 (p. 1680)
96-0*

A BILL FOR

- 1 An Act relating to the intestate succession rights of
- 2 adopted persons, their natural parents, and adoptive
- 3 parents.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5

SENATE AMENDMENT TO HOUSE FILE 739

H-3823

- 1 Amend House File 739 as passed by the House
- 2 as follows:
- 3 1. Page 1, line 17, by inserting after the
- 4 word "adoption" the words "of a person".
- 5 2. Page 1, line 20, by inserting after the
- 6 word "adoption" the words "of a person".

H-3823 FILED APRIL 27, 1981 RECEIVED FROM THE SENATE
House concurred 5/6/81 (p. 1674)

HOUSE FILE 739

S-3439

- 1 Amend House File 739 as passed by the House
- 2 as follows:
- 3 1. Page 1, line 17, by inserting after the
- 4 word "adoption" the words "of a person".
- 5 2. Page 1, line 20, by inserting after the
- 6 word "adoption" the words "of a person".

S-3439 FILED
APRIL 9, 1981
Adopted 4/23/81 (p. 1396)

BY COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, CHAIRPERSON

1 Section 1. Section 633.223, Code 1981, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 633.223 EFFECT OF ADOPTION.

5 1. Except as provided in subsection 3, a lawful adoption
6 extinguishes the right of intestate succession of an adopted
7 person from and through the adopted person's natural parents.
8 The adopted person inherits from and through the adoptive
9 parents in the same manner as a natural born child inherits
10 from and through the child's natural parents.

11 2. Except as provided in subsection 3, a lawful adoption
12 extinguishes the right of intestate succession of a natural
13 parent from and through the parent's natural born child who
14 is adopted. The adoptive parents inherit from and through
15 the adopted person in the same manner as natural parents
16 inherit from and through the parents' natural born child.

17 3. An adoption by the spouse or surviving spouse of a
18 natural parent has no effect on the relationship for inheri-
19 tance purposes between the adopted person and that natural
20 parent or natural parent's heirs. An adoption by the spouse
21 or surviving spouse of a natural parent after the death of
22 the other natural parent has no effect on the relationship
23 for inheritance purposes between the adopted person and the
24 deceased natural parent's heirs.

25 4. A person inherits through an adopted person, an adoptive
26 parent, or a natural parent of an adopted person only if the
27 adopted person, adoptive parent, or natural parent of an
28 adopted person would have inherited under subsection 1, 2,
29 or 3.

30 EXPLANATION

31 This bill restores language to the probate code similar
32 to the language which was deleted, effective January 1, 1977,
33 in the redrafting of the Code chapters on termination of
34 parental rights and adoption. The bill provides that the
35 rights of intestate succession are generally extinguished

1 between adopted persons and their natural parents. An
2 exception would allow intestate succession between a parent
3 or the parent's heirs and the parent's natural born child
4 where the parent's spouse or surviving spouse adopted the
5 child. An additional exception would allow intestate
6 succession between a person, who is adopted by a natural
7 parent's spouse or surviving spouse, and the heirs of the
8 person's other natural parent who is deceased.

9 The bill would become law July 1 following its enactment.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 739

AN ACT
RELATING TO THE INTESTATE SUCCESSION RIGHTS OF ADOPTED PER-
SONS, THEIR NATURAL PARENTS, AND ADOPTIVE PARENTS.

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

Section 1. Section 633.223, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

633.223 EFFECT OF ADOPTION.

1. Except as provided in subsection 3, a lawful adoption extinguishes the right of intestate succession of an adopted person from and through the adopted person's natural parents. The adopted person inherits from and through the adoptive parents in the same manner as a natural born child inherits from and through the child's natural parents.

2. Except as provided in subsection 3, a lawful adoption extinguishes the right of intestate succession of a natural parent from and through the parent's natural born child who is adopted. The adoptive parents inherit from and through the adopted person in the same manner as natural parents inherit from and through the parents' natural born child.

3. An adoption of a person by the spouse or surviving spouse of a natural parent has no effect on the relationship for inheritance purposes between the adopted person and that natural parent or natural parent's heirs. An adoption of a person by the spouse or surviving spouse of a natural parent after the death of the other natural parent has no effect on the relationship for inheritance purposes between the adopted person and the deceased natural parent's heirs.

4. A person inherits through an adopted person, an adoptive parent, or a natural parent of an adopted person only if the

adopted person, adoptive parent, or natural parent of an adopted person would have inherited under subsection 1, 2, or 3.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 739, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved May 18, 1981

ROBERT D. RAY
Governor

H.F. 739