

*reprinted*

MAR 21 1989

HOUSE FILE 688

Place On Calendar

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(SUCCESSOR TO HF 474)

Passed House, Date 3/31/89 (p.1152) Passed Senate, Date 5/6/89 (p.2065)  
Vote: Ayes 84 Nays 9 Vote: Ayes 47 Nays 1  
Approved May 26, 1989

A BILL FOR

1 An Act relating to the protection of children, by providing for  
2 the grounds and procedures for child in need of assistance and  
3 termination of parental rights proceedings.

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

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HF 688

1 Section 1. Section 232.2, subsection 1, Code 1989, is  
2 amended to read as follows:

3683 1. "Abandonment of a child" means the permanent  
4 relinquishment or surrender, without reference to any  
5 particular person, of the parental rights, duties, or  
6 privileges inherent in the parent-child relationship. Proof  
7 of abandonment must include both the intention to abandon and  
8 the acts by which the intention is evidenced. The term does  
9 not require that the relinquishment or surrender be over any  
10 particular period of time. The term includes but is not  
11 limited to a situation in which reasonable efforts over a  
12 reasonable period of time to locate a child's parent are shown  
13 to be unsuccessful.

3688-14 Sec. 2. Section 232.2, subsection 6, Code 1989, is amended  
15 by adding the following new paragraph:

16 NEW PARAGRAPH. n. Whose parent's or guardian's mental  
17 capacity or condition, imprisonment, or drug or alcohol abuse  
18 results in the child not receiving adequate care.

19 Sec. 3. Section 232.2, Code 1989, is amended by adding the  
20 following new subsection:

3688-21 NEW SUBSECTION. 6A. "Desertion" means the relinquishment  
22 or surrender for a period in excess of one year of the  
23 parental rights, duties, or privileges inherent in the parent-  
24 child relationship. Proof of desertion need not include the  
25 intention to desert, but is evidenced by the absence of  
26 contact with the child or by incidental contact with the  
27 child.

28 Sec. 4. Section 232.88, Code 1989, is amended to read as  
29 follows:

30 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

31 After a petition has been filed the court shall issue and  
32 serve summons, notice, subpoenas, and other process in the  
33 same manner as for adjudicatory hearings in cases of juvenile  
34 delinquency as provided in section 232.37. The notice shall  
35 contain a statement that termination of parental rights may be

31098-1 a disposition of the petition as provided in section 232.117.

37262 Sec. 5. Section 232.99, Code 1989, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 5. If the court finds that the facts and  
5 grounds specified in section 232.116, subsection 1, paragraph  
6 "h", which indicate that the parent-child relationship should  
7 be terminated, have been established by clear and convincing  
8 evidence, the court, in addition to the dispositions listed in  
9 sections 232.100 to 232.102, may order parental rights  
10 terminated as a disposition of the petition as provided in  
11 section 232.117.

12 Sec. 6. Section 232.104, subsection 1, unnumbered  
13 paragraph 1, Code 1989, is amended to read as follows:

14 If ~~custody of a child has been transferred for placement~~  
15 ~~pursuant to section 232.102~~ placed in foster care for a period  
16 of twelve months, or if the prior legal custodian of a child  
17 has abandoned efforts to regain custody of the child, the  
18 court shall, on its own motion, or upon application by any  
19 interested party, including the child's foster parent if the  
20 child has been placed with the foster parent for at least  
21 twelve months, hold a hearing to consider the issue of the  
22 establishment of permanency for the child.

23 Sec. 7. Section 232.116, subsection 1, paragraph b, Code  
24 1989, is amended to read as follows:

25 b. The court finds that there is clear and convincing  
26 evidence that the child has been abandoned or deserted.

27 Sec. 8. Section 232.116, subsection 1, paragraph c, Code  
28 1989, is amended by striking the paragraph and inserting in  
29 lieu thereof the following:

30 c. The court finds that both of the following have  
31 occurred:

32 (1) The court has previously adjudicated the child to be a  
33 child in need of assistance after finding the child to have  
34 been physically or sexually abused or neglected as the result  
35 of the acts or omissions of one or both parents, or the court

1 parental rights proceedings to persons who have been providing  
2 care for a child for a minimum period of twelve consecutive  
3 months.

4 The bill provides that the child's guardian must report to  
5 the court regarding placement of the child for adoption.

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## HOUSE FILE 688

H-3698

- 1 Amend House File 688 as follows:
- 2 1. Page 1, by striking lines 10 through 13 and  
3 inserting the following: "particular period of time."  
4 2. Page 1, by inserting after line 13 the fol-  
5 lowing:  
6 "Sec. \_\_\_\_ . Section 232.2, subsection 6, paragraph  
7 a, Code 1989, is amended to read as follows:  
8 a. Whose parent, guardian or other custodian has  
9 abandoned or deserted the child."  
10 3. Page 1, line 22, by striking the words "one  
11 year" and inserting the following: "six months".  
12 4. Page 1, by striking lines 25 and 26 and  
13 inserting the following: "intention to desert, but is  
14 evidenced by the lack of attempted contact with the  
15 child or by only incidental contact with the".  
16 5. Page 2, line 1, by inserting after the word  
17 "petition" the following: " , under certain  
18 circumstances,".  
19 6. Page 3, by striking lines 7 through 9 and  
20 inserting the following: "the circumstance continues  
21 to exist despite the offer or receipt of services."  
22 7. Page 4, by striking lines 30 through 32 and  
23 inserting the following:  
24 "(2) There is clear and convincing evidence that  
25 the circumstances surrounding the abuse or neglect of  
26 the child, despite the receipt of services,  
27 constitutes an unacceptable risk".  
28 8. Page 6, by striking lines 1 through 10 and  
29 inserting the following:  
30 "Sec. \_\_\_\_ . Section 232.116, subsection 2, Code  
31 1989, is amended by adding the following new  
32 paragraph:  
33 NEW PARAGRAPH. c. For a child who has been placed  
34 in foster family care, any relevant testimony or  
35 written statement provided by the child's foster  
36 parents."  
37 9. Page 6, line 20, by inserting after the word  
38 "order," the following: "and every forty-five days  
39 thereafter until the court determines such reports are  
40 no longer necessary,".  
41 10. By renumbering as necessary.

By PETERSON of Carroll

H-3698 FILED MARCH 29, 1989

Adopted 3-31-89 (p 1150)

## HOUSE FILE 688

H-3726

- 1 Amend House File 688 as follows:
- 2 1. Page 2, by striking lines 2 through 11.  
3 2. Page 4, by striking lines 24 through 33.  
4 3. By renumbering as necessary.

By ROSENBERG of Story

H-3726 FILED MARCH 30, 1989

Lost 3-31-89 (p 1151)

Un. Judiciary  
DO PASS 4-7-89 (p 1261)

HOUSE FILE 688  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(SUCCESSOR TO HF 474)

(As Amended and Passed by the House March 31, 1989)

Re Passed House, Date 5/6/89 (p. 2680) Passed Senate, Date 5/6/89 (p. ~~4487~~ 2065)  
Vote: Ayes 94 Nays 0 Vote: Ayes 47 Nays 1  
Approved May 26, 1989

**A BILL FOR**

1 An Act relating to the protection of children, by providing for  
2 the grounds and procedures for child in need of assistance and  
3 termination of parental rights proceedings.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 232.2, subsection 1, Code 1989, is  
2 amended to read as follows:

3 1. "Abandonment of a child" means the permanent  
4 relinquishment or surrender, without reference to any  
5 particular person, of the parental rights, duties, or  
6 privileges inherent in the parent-child relationship. Proof  
7 of abandonment must include both the intention to abandon and  
8 the acts by which the intention is evidenced. The term does  
9 not require that the relinquishment or surrender be over any  
10 particular period of time.

11 Sec. 2. Section 232.2, subsection 6, paragraph a, Code  
12 1989, is amended to read as follows:

13 a. Whose parent, guardian or other custodian has abandoned  
14 or deserted the child.

15 Sec. 3. Section 232.2, subsection 6, Code 1989, is amended  
16 by adding the following new paragraph:

17 NEW PARAGRAPH. n. Whose parent's or guardian's mental  
18 capacity or condition, imprisonment, or drug or alcohol abuse  
19 results in the child not receiving adequate care.

20 Sec. 4. Section 232.2, Code 1989, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 6A. "Desertion" means the relinquishment  
23 or surrender for a period in excess of six months of the  
24 parental rights, duties, or privileges inherent in the parent-  
25 child relationship. Proof of desertion need not include the  
26 intention to desert, but is evidenced by the lack of attempted  
27 contact with the child or by only incidental contact with the  
28 child.

29 Sec. 5. Section 232.88, Code 1989, is amended to read as  
30 follows:

31 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

4/97 32 After a petition has been filed the court shall issue and  
33 serve summons, notice, subpoenas, and other process in the  
34 same manner as for adjudicatory hearings in cases of juvenile  
35 delinquency as provided in section 232.37. The notice shall

1 contain a statement that termination of parental rights may be  
2 a disposition of the petition, under certain circumstances, as  
3 provided in section 232.117.

4/87 4 Sec. 6. Section 232.99, Code 1989, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 5. If the court finds that the facts and  
7 grounds specified in section 232.116, subsection 1, paragraph  
8 "h", which indicate that the parent-child relationship should  
9 be terminated, have been established by clear and convincing  
10 evidence, the court, in addition to the dispositions listed in  
11 sections 232.100 to 232.102, may order parental rights  
12 terminated as a disposition of the petition as provided in  
13 section 232.117.

14 Sec. 7. Section 232.104, subsection 1, unnumbered  
15 paragraph 1, Code 1989, is amended to read as follows:

16 If ~~custody of a child has been transferred for placement~~  
17 pursuant to section 232.102 placed in foster care for a period  
18 of twelve months, or if the prior legal custodian of a child  
19 has abandoned efforts to regain custody of the child, the  
20 court shall, on its own motion, or upon application by any  
21 interested party, including the child's foster parent if the  
22 child has been placed with the foster parent for at least  
23 twelve months, hold a hearing to consider the issue of the  
24 establishment of permanency for the child.

25 Sec. 8. Section 232.116, subsection 1, paragraph b, Code  
26 1989, is amended to read as follows:

27 b. The court finds that there is clear and convincing  
28 evidence that the child has been abandoned or deserted.

29 Sec. 9. Section 232.116, subsection 1, paragraph c, Code  
30 1989, is amended by striking the paragraph and inserting in  
31 lieu thereof the following:

32 c. The court finds that both of the following have  
33 occurred:

34 (1) The court has previously adjudicated the child to be a  
35 child in need of assistance after finding the child to have



1 been physically or sexually abused or neglected as the result  
2 of the acts or omissions of one or both parents, or the court  
3 has previously adjudicated a child who is a member of the same  
4 family to be a child in need of assistance after such a  
5 finding.

6 (2) Subsequent to the child in need of assistance  
7 adjudication, the parents were offered or received services to  
8 correct the circumstance which led to the adjudication, and  
9 the circumstance continues to exist despite the offer or  
10 receipt of services.

11 Sec. 10. Section 232.116, subsection 1, paragraphs d and  
12 e, Code 1989, are amended to read as follows:

13 d. The court finds that all of the following have  
14 occurred:

15 (1) The child has been adjudicated a child in need of  
16 assistance pursuant to section 232.96.

17 (2) The custody of the child has been transferred from the  
18 child's parents for placement pursuant to section 232.102 and  
19 the placement has lasted for a period of at least six  
20 consecutive months.

21 ~~(3) -- There is clear and convincing evidence that the child~~  
22 ~~cannot be returned to the custody of the child's parents as~~  
23 ~~provided in section 232.102.~~

24 (4 3) There is clear and convincing evidence that the  
25 parents have not maintained significant and meaningful contact  
26 with the child during the previous six consecutive months and  
27 have made no reasonable efforts to resume care of the child  
28 despite being given the opportunity to do so.

29 e. The court finds that all of the following have  
30 occurred:

31 (1) The child is four years of age or older.

32 ~~(1~~ 2) The child has been adjudicated a child in need of  
33 assistance pursuant to section 232.96.

34 ~~(2~~ 3) The custody of the child has been transferred from  
35 the child's parents for placement pursuant to section 232.102

1 for at least twelve of the last eighteen months, or for the  
2 last twelve consecutive months and any trial period at home  
3 has been less than thirty days.

4 (3 4) There is clear and convincing evidence that at the  
5 present time the child cannot be returned to the custody of  
6 the child's parents as provided in section 232.102.

7 Sec. 11. Section 232.116, subsection 1, paragraph f,  
8 subparagraph (3), Code 1989, is amended by striking the  
9 subparagraph.

10 Sec. 12. Section 232.116, subsection 1, Code 1989, is  
11 amended by adding the following new paragraphs:

12 NEW PARAGRAPH. g. The court finds that all of the  
13 following have occurred:

14 (1) The child is three years of age or younger.

15 (2) The child has been adjudicated a child in need of  
16 assistance pursuant to section 232.96.

17 (3) The custody of the child has been transferred from the  
18 child's parents for placement pursuant to section 232.102 for  
19 at least six months of the last twelve months, or for the last  
20 six consecutive months and any trial period at home has been  
21 less than thirty days.

22 (4) There is clear and convincing evidence that the child  
23 cannot be returned to the custody of the child's parents as  
24 provided in section 232.102 at the present time.

25 NEW PARAGRAPH. h. The court finds that both of the  
26 following have occurred:

27 (1) The child meets the definition of child in need of  
28 assistance based on a finding of physical or sexual abuse or  
29 neglect as a result of the acts or omissions of one or both  
30 parents.

4/87 31 (2) There is clear and convincing evidence that the  
32 circumstances surrounding the abuse or neglect of the child,  
33 despite the receipt of services, constitutes an unacceptable  
34 risk to the child.

35 NEW PARAGRAPH. i. The court finds that both of the

1 following have occurred:

2 (1) The child has been adjudicated a child in need of  
3 assistance pursuant to section 232.96 and custody has been  
4 transferred from the child's parents for placement pursuant to  
5 section 232.102.

6 (2) The parent has been imprisoned for a crime against the  
7 child, the child's sibling, or another child in the household,  
8 or the parent has been imprisoned and it is unlikely that the  
9 parent will be released from prison for a period of five or  
10 more years.

11 NEW PARAGRAPH. j. The court finds that all of the  
12 following have occurred:

13 (1) The child has been adjudicated a child in need of  
14 assistance pursuant to section 232.96 and custody has been  
15 transferred from the child's parents for placement pursuant to  
16 section 232.102.

17 (2) The parent has a chronic mental illness and has been  
4/87 18 repeatedly institutionalized.

19 (3) There is clear and convincing evidence that the  
20 parent's prognosis indicates that the child will not be able  
21 to be returned to the custody of the parent within a  
22 reasonable period of time considering the child's age and need  
23 for a permanent home.

24 NEW PARAGRAPH. k. The court finds that all of the  
25 following have occurred:

26 (1) The child has been adjudicated a child in need of  
27 assistance pursuant to section 232.96 and custody has been  
28 transferred from the child's parents for placement pursuant to  
29 section 232.102.

30 (2) The parent has a severe, chronic substance abuse  
4/87 31 problem.

32 (3) There is clear and convincing evidence that the  
33 parent's prognosis indicates that the child will not be able  
34 to be returned to the custody of the parent within a  
35 reasonable period of time considering the child's age and need

1 for a permanent home.

2 Sec. 13. Section 232.116, subsection 2, Code 1989, is  
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. c. For a child who has been placed in  
5 foster family care, any relevant testimony or written  
6 statement provided by the child's foster parents.

7 Sec. 14. Section 232.117, subsection 5, Code 1989, is  
8 amended to read as follows:

9 5. If the court orders the termination of parental rights  
10 and transfers guardianship and custody under subsection 3, the  
11 ~~department of human services or the agency responsible for the~~  
12 placement guardian shall submit a case permanency plan to the  
13 court and shall make every effort to establish a stable  
14 placement for the child by adoption or other permanent  
15 placement. Within forty-five days of receipt of the  
16 termination order, and every forty-five days thereafter until  
17 the court determines such reports are no longer necessary, the  
18 guardian shall report to the court regarding efforts made to  
19 place the child for adoption or providing the rationale as to  
20 why adoption would not be in the child's best interest.

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SENATE AMENDMENT TO HOUSE FILE 688

H-4487

- 1 Amend House File 688, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 35 through page 2,
- 4 line 13 and inserting the following: "delinquency as
- 5 provided in section 232.37."
- 6 2. Page 4, lines 33 and 34 by striking the words
- 7 "an unacceptable risk" and inserting the following:
- 8 "imminent danger".
- 9 3. Page 5, line 18, by inserting after the word
- 10 "institutionalized" the following: "for mental
- 11 illness, and presents a danger to self or others as
- 12 evidenced by prior acts".
- 13 4. Page 5, line 31 by inserting after the word
- 14 "problem" the following: ", and presents a danger to
- 15 self or others as evidenced by prior acts".

RECEIVED FROM THE SENATE

H-4487 FILED MAY 6, 1989  
CONCURRED (p. 2679)

HOUSE FILE 688

S-4187

- 1 Amend House File 688, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 35 through page 2,
- 4 line 13 and inserting the following: "delinquency as
- 5 provided in section 232.37."
- 6 2. Page 4, lines 33 and 34 by striking the words
- 7 "an unacceptable risk" and inserting the following:
- 8 "imminent danger".
- 9 3. Page 5, line 18, by inserting after the word
- 10 "institutionalized" the following: "for mental
- 11 illness, and presents a danger to self or others as
- 12 evidenced by prior acts".
- 13 4. Page 5, line 31 by inserting after the word
- 14 "problem" the following: ", and presents a danger to
- 15 self or others as evidenced by prior acts".

By TOM MANN, Jr.

S-4187 FILED MAY 6, 1989  
ADOPTED (p. 2665)

HOUSE FILE 688

AN ACT

RELATING TO THE PROTECTION OF CHILDREN, BY PROVIDING FOR THE  
GROUNDS AND PROCEDURES FOR CHILD IN NEED OF ASSISTANCE AND  
TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

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

Section 1. Section 232.2, subsection 1, Code 1989, is amended to read as follows:

1. "Abandonment of a child" means the permanent relinquishment or surrender, without reference to any particular person, of the parental rights, duties, or privileges inherent in the parent-child relationship. Proof of abandonment must include 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 any particular period of time.

Sec. 2. Section 232.2, subsection 6, paragraph a, Code 1989, is amended to read as follows:

a. Whose parent, guardian or other custodian has abandoned or deserted the child.

Sec. 3. Section 232.2, subsection 6, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. Whose parent's or guardian's mental capacity or condition, imprisonment, or drug or alcohol abuse results in the child not receiving adequate care.

Sec. 4. Section 232.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Desertion" means the relinquishment or surrender for a period in excess of six months of the parental rights, duties, or privileges inherent in the parent-child relationship. Proof of desertion need not include the intention to desert, but is evidenced by the lack of attempted

contact with the child or by only incidental contact with the child.

Sec. 5. Section 232.88, Code 1989, is amended to read as follows:

232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

After a petition has been filed the court shall issue and serve summons, notice, subpoenas, and other process in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37.

Sec. 6. Section 232.104, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

If ~~custody of~~ a child has been ~~transferred for placement pursuant to section 232.102~~ placed in foster care for a period of twelve months, or if the prior legal custodian of a child has abandoned efforts to regain custody of the child, the court shall, on its own motion, or upon application by any interested party, including the child's foster parent if the child has been placed with the foster parent for at least twelve months, hold a hearing to consider the issue of the establishment of permanency for the child.

Sec. 7. Section 232.116, subsection 1, paragraph b, Code 1989, is amended to read as follows:

b. The court finds that there is clear and convincing evidence that the child has been abandoned or deserted.

Sec. 8. Section 232.116, subsection 1, paragraph c, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

c. The court finds that both of the following have occurred:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding.

(2) Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

Sec. 9. Section 232.116, subsection 1, paragraphs d and e, Code 1989, are amended to read as follows:

d. The court finds that all of the following have occurred:

- (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (2) The custody of the child has been transferred from the child's parents for placement pursuant to section 232.102 and the placement has lasted for a period of at least six consecutive months.

~~(3) --There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102.~~

(4) There is clear and convincing evidence that the parents have not maintained significant and meaningful contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so.

e. The court finds that all of the following have occurred:

(1) The child is four years of age or older.

(2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(3) The custody of the child has been transferred from the child's parents for placement pursuant to section 232.102 for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.

(4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

Sec. 10. Section 232.116, subsection 1, paragraph f, subparagraph (3), Code 1989, is amended by striking the subparagraph.

Sec. 11. Section 232.116, subsection 1, Code 1989, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. The court finds that all of the following have occurred:

- (1) The child is three years of age or younger.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The custody of the child has been transferred from the child's parents for placement pursuant to section 232.102 for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

NEW PARAGRAPH. h. The court finds that both of the following have occurred:

- (1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents.
- (2) There is clear and convincing evidence that the circumstances surrounding the abuse or neglect of the child, despite the receipt of services, constitutes imminent danger to the child.

NEW PARAGRAPH. i. The court finds that both of the following have occurred:

- (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.
- (2) The parent has been imprisoned for a crime against the child, the child's sibling, or another child in the household, or the parent has been imprisoned and it is unlikely that the

parent will be released from prison for a period of five or more years.

NEW PARAGRAPH. j. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a chronic mental illness and has been repeatedly institutionalized for mental illness, and presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

NEW PARAGRAPH. k. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe, chronic substance abuse problem, and presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

Sec. 12. Section 232.116, subsection 2, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For a child who has been placed in foster family care, any relevant testimony or written statement provided by the child's foster parents.

Sec. 13. Section 232.117, subsection 5, Code 1989, is amended to read as follows:

5. If the court orders the termination of parental rights and transfers guardianship and custody under subsection 3, the ~~department-of-human-services-or-the-agency-responsible-for-the~~ placement guardian shall submit a case permanency plan to the court and shall make every effort to establish a stable placement for the child by adoption or other permanent placement. Within forty-five days of receipt of the termination order, and every forty-five days thereafter until the court determines such reports are no longer necessary, the guardian shall report to the court regarding efforts made to place the child for adoption or providing the rationale as to why adoption would not be in the child's best interest.

---

DONALD D. AVENSON  
Speaker of the House

---

JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 688, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 26, 1989

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TERRY E. BRANSTAD  
Governor