

Reprinted

1991

HUMAN RESOURCES

Amended (50223) by D. Goss 2/7/92

HOUSE FILE 242

BY DODERER

Passed House, Date 2/26/92 (p. 357) Passed Senate, Date _____

Vote: Ayes 98 Nays 0 Vote: Ayes _____ Nays _____

Approved May 4, 1992

A BILL FOR

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

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

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HF 242

1 Section 1. Section 237.21, subsection 3, Code 1991, is
2 amended to read as follows:

3 3. Members of the state board and local boards and the
4 employees of the department and the department of inspections
5 and appeals are subject to standards of confidentiality
6 pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and
7 600.16, and 600.16A. Members of the state and local boards
8 and employees of the department and the department of
9 inspections and appeals who disclose information or records of
10 the board or department, other than as provided in subsection
11 2, are guilty of a simple misdemeanor.

12 Sec. 2. Section 238.24, unnumbered paragraph 2, Code 1991,
13 is amended to read as follows:

14 Nothing herein shall prohibit the administrator from
15 disclosing such facts to such proper persons as may be in the
16 interest of a child cared for by such agency or in the
17 interest of the child's parents or foster parents and not
18 inimical to the child, or as may be necessary to protect the
19 interests of the child's prospective foster parents. However,
20 disclosure of termination and adoption records shall be
21 governed by the provisions of section sections 600.16 and
22 600.16A.

23 Sec. 3. Section 600.16, Code 1991, is amended by striking
24 the section and inserting in lieu thereof the following:

25 600.16 ADOPTION RECORD.

26 1. Any information compiled under section 600.8,
27 subsection 1, paragraph "c", subparagraphs (1) and (2)
28 relating to medical and developmental histories shall be made
29 available at any time by the clerk of court, the department,
30 or any agency which made the placement to:

31 a. The adopting parents.

32 b. The adopted person, provided that person is an adult at
33 the time the request for information is made.

34 c. Any person approved by the department if the person
35 uses this information solely for the purposes of conducting a

1 legitimate research project or of treating a patient in a
2 medical facility.

3 2. Information regarding an adopted person's existing
4 medical and developmental history and family medical history,
5 which meets the definition of background information in
6 section 600.8, subsection 1, paragraph "c", but which was
7 compiled prior to July 1, 1976, shall be made available as
8 provided in subsection 1. However, the identity of the
9 adopted person's natural parents shall not be disclosed.

10 3. Any person other than the adopting parents or the
11 adopted person, who discloses information in violation of this
12 section is guilty of a simple misdemeanor.

13 Sec. 4. NEW SECTION. 600.16A TERMINATION AND ADOPTION
14 RECORDS CLOSED -- EXCEPTIONS.

15 1. The permanent termination of parental rights record of
16 the juvenile court under chapter 600A and the permanent
17 adoption record of the juvenile court or court shall be sealed
18 by the clerk of the juvenile court or the clerk of court, as
19 appropriate, when they are complete and after the time for
20 appeal has expired.

21 2. All papers and records pertaining to a termination of
22 parental rights under chapter 600A and to an adoption shall
23 not be open to inspection and the identity of the natural
24 parents of an adopted person shall not be revealed except
25 under any of the following circumstances:

26 a. An agency involved in placement shall contact the
27 adopting parents or the adult adopted child regarding
28 eligibility of the adopted child for benefits based on
29 entitlement of benefits or inheritance from the terminated
30 natural parents.

31 b. The court, for good cause, shall order the opening of
32 the permanent adoption record of the court for the adopted
33 person who is an adult and reveal the names of either or both
34 of the natural parents following consideration of both of the
35 following:

1 (1) A natural parent may file an affidavit requesting that
2 the court reveal or not reveal the parent's identity. The
3 court shall consider any such affidavit in determining whether
4 there is good cause to order opening of the records. To
5 facilitate the natural parents in filing an affidavit, the
6 department shall, upon request of a natural parent, file an
7 affidavit in the court in which the adoption records have been
8 sealed.

9 (2) If the adopted person who applies for revelation of
10 the natural parents' identity has a sibling who is a minor and
11 who has been adopted by the same parents, the court may deny
12 the application on the grounds that revelation to the
13 applicant may also indirectly and harmfully permit the same
14 revelation to the applicant's minor sibling.

15 c. The juvenile court or court may, upon competent medical
16 evidence, open termination or adoption records if opening is
17 shown to be necessary to save the life of or prevent
18 irreparable physical harm to an adopted person or the person's
19 offspring. The juvenile court or court shall make every
20 reasonable effort to prevent the identity of the natural
21 parents from becoming revealed under this paragraph to the
22 adopted person. The juvenile court or court may, however,
23 permit revelation of the identity of the natural parents to
24 medical personnel attending the adopted person or the person's
25 offspring. These medical personnel shall make every
26 reasonable effort to prevent the identity of the natural
27 parents from becoming revealed to the adopted person.

28 3. In addition to other procedures by which adoption
29 records may be opened under this section, if both of the
30 following conditions are met, the department, the clerk of
31 court, or the agency which made the placement shall open the
32 adoption record for inspection and shall reveal the identity
33 of the natural parents to the adult adopted child or the
34 identity of the adult adopted child to the natural parents:

35 a. A natural parent has placed in the adoption record

1 written consent to revelation of the natural parent's identity
2 to the adopted child at an age specified by the natural
3 parent, upon request of the adopted child.

4 b. An adult adopted child has placed in the adoption
5 record written consent to revelation of the identity of the
6 adult adopted child to a natural parent.

7 Notwithstanding the provisions of this subsection, if the
8 adult adopted person has a sibling who is a minor and who has
9 also been adopted by the same parents, the department, the
10 clerk of court, or the agency which made the placement may
11 deny the request of either the adult adopted person or the
12 natural parent to open the adoption records and to reveal the
13 identities of the parties pending determination by the court
14 that there is good cause to open the records pursuant to
15 subsection 2.

16 4. Any person, other than the adopting parents or the
17 adopted person, who discloses information in violation of this
18 section, is guilty of a simple misdemeanor.

19 EXPLANATION

20 This bill restructures the codified provisions for the
21 termination of parental rights and adoption records relating
22 to the process by which adoption records may be opened for
23 certain parties. The bill also provides an additional means
24 by which a natural parent or an adult adopted child may
25 consent to revelation of the person's identity to the other
26 party if both parties place written consents in the adoption
27 records to revelation of their identities.

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HOUSE FILE 242

H-5023

1 Amend House File 242 as follows:

2 1. Page 1, line 23, by inserting after the word
3 "Code" the following: "Supplement".

4 2. Page 4, by inserting after line 6 the
5 following:

6 "A person who has placed in the adoption record
7 written consent pursuant to paragraph "a" or "b" of
8 this subsection may withdraw the consent at any time
9 by placing a written withdrawal of consent statement
10 in the adoption record."

11 3. Page 4, by inserting after line 15, the
12 following:

13 "_____. An adopted person whose adoption became
14 final prior to July 4, 1941, and whose adoption record
15 was not required to be sealed at the time when the
16 adoption record was completed, shall not be required
17 to show good cause for an order opening the adoption
18 record under this subsection, provided that the court
19 shall consider any affidavit filed under this
20 subsection."

21 4. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
HAVERLAND of Polk, Chairperson

H-5023 FILED FEBRUARY 5, 1992

Adopted 2/26 (p. 357)

HOUSE FILE 242

H-5136

1 Amend House File 242 as follows:

2 1. Page 4, by inserting after line 18, the
3 following:

4 "Sec. _____. NEW SECTION. 600.16B FEES.

5 The supreme court shall prescribe and the
6 department of human services shall adopt rules,
7 respectively, to defray the actual cost of the
8 provision of information or the opening of records
9 pursuant to section 600.16 or 600.16A."

10 2. By renumbering as necessary.

By HAVERLAND of Polk

H-5136 FILED FEBRUARY 24, 1992

Adopted as amended by 5/49 2/26 (p. 357)

HOUSE FILE 242

H-5149

1 Amend amendment H-5136, to House File 242, as
2 follows:

3 1. Page 1, line 7, by striking the word
4 "respectively,".

By SPEAR of Lee

H-5149 FILED FEBRUARY 26, 1992

ADOPTED BY UNANIMOUS CONSENT (p. 357)

*Amended Rescinded 3/2/92, No Pass 3/25/92
Amend + No Pass (S-5400) 3/26*

HOUSE FILE 242
BY DODERER

(As Amended and Passed by the House February 26, 1992)

Passed House, Date 4/21/92 (p. 1681) Passed Senate, Date 4-1-92 (p. 1149)
Vote: Ayes 98 Nays 1 Vote: Ayes 44 Nays 0
Approved May 4, 1992
*Motion to reconsider (p. 1165)
lost (p. 1473)*

A BILL FOR

1 An Act relating to adoption and permanent termination of parental
2 rights records, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments _____

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3 3. Members of the state board and local boards and the
4 employees of the department and the department of inspections
5 and appeals are subject to standards of confidentiality
6 pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and
7 600.16, and 600.16A. Members of the state and local boards
8 and employees of the department and the department of
9 inspections and appeals who disclose information or records of
10 the board or department, other than as provided in subsection
11 2, are guilty of a simple misdemeanor.

12 Sec. 2. Section 238.24, unnumbered paragraph 2, Code 1991,
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14 Nothing herein shall prohibit the administrator from
15 disclosing such facts to such proper persons as may be in the
16 interest of a child cared for by such agency or in the
17 interest of the child's parents or foster parents and not
18 inimical to the child, or as may be necessary to protect the
19 interests of the child's prospective foster parents. However,
20 disclosure of termination and adoption records shall be
21 governed by the provisions of ~~section~~ sections 600.16 and
22 600.16A.

23 Sec. 3. Section 600.16, Code Supplement 1991, is amended
24 by striking the section and inserting in lieu thereof the
25 following:

26 600.16 ADOPTION RECORD.

27 1. Any information compiled under section 600.8,
28 subsection 1, paragraph "c", subparagraphs (1) and (2)
29 relating to medical and developmental histories shall be made
30 available at any time by the clerk of court, the department,
31 or any agency which made the placement to:

32 a. The adopting parents.

33 b. The adopted person, provided that person is an adult at
34 the time the request for information is made.

35 c. Any person approved by the department if the person

1 uses this information solely for the purposes of conducting a
2 legitimate research project or of treating a patient in a
3 medical facility.

4 2. Information regarding an adopted person's existing
5 medical and developmental history and family medical history,
6 which meets the definition of background information in
7 section 600.8, subsection 1, paragraph "c", but which was
8 compiled prior to July 1, 1976, shall be made available as
9 provided in subsection 1. However, the identity of the
10 adopted person's natural parents shall not be disclosed.

11 3. Any person other than the adopting parents or the
12 adopted person, who discloses information in violation of this
13 section is guilty of a simple misdemeanor.

14 Sec. 4. NEW SECTION. 600.16A TERMINATION AND ADOPTION
15 RECORDS CLOSED -- EXCEPTIONS.

16 1. The permanent termination of parental rights record of
17 the juvenile court under chapter 600A and the permanent
18 adoption record of the juvenile court or court shall be sealed
19 by the clerk of the juvenile court or the clerk of court, as
20 appropriate, when they are complete and after the time for
21 appeal has expired.

22 2. All papers and records pertaining to a termination of
23 parental rights under chapter 600A and to an adoption shall
24 not be open to inspection and the identity of the natural
25 parents of an adopted person shall not be revealed except
26 under any of the following circumstances:

27 a. An agency involved in placement shall contact the
28 adopting parents or the adult adopted child regarding
29 eligibility of the adopted child for benefits based on
30 entitlement of benefits or inheritance from the terminated
31 natural parents.

32 b. The court, for good cause, shall order the opening of
33 the permanent adoption record of the court for the adopted
34 person who is an adult and reveal the names of either or both
35 of the natural parents following consideration of both of the

1 following:

2 (1) A natural parent may file an affidavit requesting that
3 the court reveal or not reveal the parent's identity. The
4 court shall consider any such affidavit in determining whether
5 there is good cause to order opening of the records. To
6 facilitate the natural parents in filing an affidavit, the
7 department shall, upon request of a natural parent, file an
8 affidavit in the court in which the adoption records have been
9 sealed.

10 (2) If the adopted person who applies for revelation of
11 the natural parents' identity has a sibling who is a minor and
12 who has been adopted by the same parents, the court may deny
13 the application on the grounds that revelation to the
14 applicant may also indirectly and harmfully permit the same
15 revelation to the applicant's minor sibling.

16 c. The juvenile court or court may, upon competent medical
17 evidence, open termination or adoption records if opening is
18 shown to be necessary to save the life of or prevent
19 irreparable physical harm to an adopted person or the person's
20 offspring. The juvenile court or court shall make every
21 reasonable effort to prevent the identity of the natural
22 parents from becoming revealed under this paragraph to the
23 adopted person. The juvenile court or court may, however,
24 permit revelation of the identity of the natural parents to
25 medical personnel attending the adopted person or the person's
26 offspring. These medical personnel shall make every
27 reasonable effort to prevent the identity of the natural
28 parents from becoming revealed to the adopted person.

29 3. In addition to other procedures by which adoption
30 records may be opened under this section, if both of the
31 following conditions are met, the department, the clerk of
32 court, or the agency which made the placement shall open the
33 adoption record for inspection and shall reveal the identity
34 of the natural parents to the adult adopted child or the
35 identity of the adult adopted child to the natural parents:

1 a. A natural parent has placed in the adoption record
2 written consent to revelation of the natural parent's identity
3 to the adopted child at an age specified by the natural
4 parent, upon request of the adopted child.

5 b. An adult adopted child has placed in the adoption
6 record written consent to revelation of the identity of the
7 adult adopted child to a natural parent.

8 A person who has placed in the adoption record written
9 consent pursuant to paragraph "a" or "b" of this subsection
10 may withdraw the consent at any time by placing a written
11 withdrawal of consent statement in the adoption record.

12 Notwithstanding the provisions of this subsection, if the
13 adult adopted person has a sibling who is a minor and who has
14 also been adopted by the same parents, the department, the
15 clerk of court, or the agency which made the placement may
16 deny the request of either the adult adopted person or the
17 natural parent to open the adoption records and to reveal the
18 identities of the parties pending determination by the court
19 that there is good cause to open the records pursuant to
20 subsection 2.

21 4. An adopted person whose adoption became final prior to
22 July 4, 1941, and whose adoption record was not required to be
23 sealed at the time when the adoption record was completed,
24 shall not be required to show good cause for an order opening
25 the adoption record under this subsection, provided that the
26 court shall consider any affidavit filed under this
27 subsection.

28 5. Any person, other than the adopting parents or the
29 adopted person, who discloses information in violation of this
30 section, is guilty of a simple misdemeanor.

31 Sec. 5. NEW SECTION. 600.16B FEES.

32 The supreme court shall prescribe and the department of
33 human services shall adopt rules, to defray the actual cost of
34 the provision of information or the opening of records
35 pursuant to section 600.16 or 600.16A.

SENATE AMENDMENT TO HOUSE FILE 242

H-5963

1 Amend House File 242, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 34, by inserting after the word
4 "made." the following: "For the purposes of this
5 paragraph "adult" means a person twenty-one years of
6 age or older or a person who attains majority by
7 marriage."

8 2. Page 2, by inserting after line 3, the
9 following:

10 "d. A descendent of an adopted person."

11 3. Page 3, by inserting after line 15 the
12 following:

13 "____. A natural sibling of an adopted person may
14 file or may request that the department file an
15 affidavit in the court in which the adopted person's
16 adoption records have been sealed requesting that the
17 court reveal or not reveal the sibling's name to the
18 adopted person. The court shall consider any such
19 affidavit in determining whether there is good cause
20 to order opening of the records upon application for
21 revelation by the adopted person. However, the name
22 of the natural sibling shall not be revealed until the
23 natural sibling has attained majority."

24 4. Page 3, line 19, by inserting after the word
25 "physical" the following: "or mental".

26 5. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5963 FILED APRIL 17, 1992

House concurred 4/21 (p. 1281)

HOUSE FILE 242
FISCAL NOTE

A fiscal note for House File 242 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 242 changes statutory provisions pertaining to adoption records. It creates a new method for potential contact between birth parents and adult adoptees. The Department of Human Services (DHS), Clerk of Court, or adoption agency are required to open an adoption record if both the birth parent and the adult adoptee have filed their written consent.

Fiscal Effect: DHS will require additional staff and computer resources in order to implement this bill. The DHS computerized listing of parties involved in finalized adoptions was discontinued due to budget constraints, and adoptions finalized since 1989 are not entered in any centralized database. Such a listing would be needed to assist adoptees or birth parents in filing their consent to opening an adoption record.

Assuming that the 1,300 inquiries received currently by DHS would double under this legislation, it is estimated that DHS would need:

1. Two staff positions: a Social Worker 5 and a Secretary 1 (\$52,000).
2. A computer and related equipment.
3. Office space, supplies, postage and equipment.
4. Computer system development resources (first year only).

The total estimated cost of implementing House File 242 is \$78,150 for the first year and \$64,150 for subsequent years.

Source: Department of Human Services

(LSB 1602yh, JMN)

FILED FEBRUARY 18, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

S-5400

1 Amend House File 242, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 22 the
4 following:

5 "Sec. ____ . Section 600.8, Code 1991, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 13. The department, in
8 cooperation with the supreme court, shall develop a
9 standard form for all adoption related reports
10 required to be filed with the court. In addition to
11 the preplacement investigation, background
12 information, and postplacement investigation reports,
13 the department, agency, or investigator shall file
14 with the court, a factual information report, the form
15 of which shall be developed by the department in
16 cooperation with the supreme court. The report shall
17 include, but not be limited to all the following
18 information valid at the time of the placement of the
19 person to be adopted:

- 20 a. The names of the natural parents.
 - 21 b. The date and place of birth of each of the
 - 22 natural parents.
 - 23 c. The marital status of each of the natural
 - 24 parents.
 - 25 d. The addresses of each of the natural parents.
 - 26 e. The names and addresses of the parents of each
 - 27 of the natural parents.
 - 28 f. The names and ages of any siblings of the minor
 - 29 person to be adopted.
 - 30 g. Educational level attained and occupation of
 - 31 each of the natural parents, the parents of the
 - 32 natural parents, and any siblings of the person to be
 - 33 adopted.
 - 34 h. The names and addresses of other children of
 - 35 the natural parents, other than the siblings of the
 - 36 person to be adopted.
- 37 The department or agency representative or the
38 investigator shall sign the report and file the report
39 with the court."

A

40 2. Page 1, line 34, by inserting after the word
41 "made." the following: "For the purposes of this
42 paragraph "adult" means a person twenty-one years of
43 age or older or a person who attains majority by
44 marriage."

B

45 3. Page 2, line 3, by inserting after the word
46 "facility" the following: "including but not limited
47 to facilities which provide mental health services or
48 substance abuse treatment services."

A

49 4. Page 3, line 3, by striking the word
50 "identity" and inserting the following: "name".

S-5400

-1-

S-5400

Page 2

1 5. Page 3, line 15, by inserting after the word
2 "sibling." the following: "Following denial of an
3 application under this subparagraph, the applicant
4 shall be informed of the grounds for denial."

A

5 6. Page 3, line 19, by inserting after the word
6 "physical" the following: "or mental".

B

7 7. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

A-20/26 4/11 (P.1136)
B-adopted "

HOUSE FILE 242

S-5485

1 Amend House File 242, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 15 the
4 following:
5 "____. A natural sibling of an adopted person may
6 file or may request that the department file an
7 affidavit in the court in which the adopted person's
8 adoption records have been sealed requesting that the
9 court reveal or not reveal the sibling's name to the
10 adopted person. The court shall consider any such
11 affidavit in determining whether there is good cause
12 to order opening of the records upon application for
13 revelation by the adopted person. However, the name
14 of the natural sibling shall not be revealed until the
15 natural sibling has attained majority."
16 2. By lettering and relettering as necessary.

By RICHARD VARN
ELAINE SZYMONIAK

S-5485 FILED APRIL 1, 1992
ADOPTED (p. 1136)

HOUSE FILE 242

S-5492

1 Amend House File 242 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 3, the
4 following:
5 "d. A descendant of a deceased adopted person."

By BEVERLY HANNON
LARRY MURPHY

S-5492 FILED APRIL 1, 1992
RULED OUT OF ORDER (p. 1148)

HOUSE FILE 242

S-5494

1 Amend House File 242, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 3, the
4 following:
5 "d. A descendent of an adopted person."

By BEVERLY HANNON
LARRY MURPHY

S-5494 FILED APRIL 1, 1992
ADOPTED (p. 1148)

HOUSE FILE 242

AN ACT

RELATING TO ADOPTION AND PERMANENT TERMINATION OF PARENTAL RIGHTS RECORDS, AND PROVIDING PENALTIES.

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

Section 1. Section 237.21, subsection 3, Code 1991, is amended to read as follows:

3. Members of the state board and local boards and the employees of the department and the department of inspections and appeals are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and 600.16, and 600.16A. Members of the state and local boards and employees of the department and the department of inspections and appeals who disclose information or records of the board or department, other than as provided in subsection 2, are guilty of a simple misdemeanor.

Sec. 2. Section 238.24, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Nothing herein shall prohibit the administrator 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~~ sections 600.16 and 600.16A.

Sec. 3. Section 600.16, Code Supplement 1991, is amended by striking the section and inserting in lieu thereof the following:

600.16 ADOPTION RECORD.

1. Any information compiled under section 600.8, subsection 1, paragraph "c", subparagraphs (1) and (2) relating to medical and developmental histories shall be made available at any time by the clerk of court, the department, or any agency which made the placement to:

a. The adopting parents.

b. The adopted person, provided that person is an adult at the time the request for information is made. For the purposes of this paragraph "adult" means a person twenty-one years of age or older or a person who attains majority by marriage.

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.

d. A descendant of an adopted person.

2. Information regarding an adopted person's existing medical and developmental history and family medical history, which meets the definition of background information in section 600.8, subsection 1, paragraph "c", but which was

compiled prior to July 1, 1976, shall be made available as provided in subsection 1. However, the identity of the adopted person's natural parents shall not be disclosed.

3. Any person other than the adopting parents or the adopted person, who discloses information in violation of this section is guilty of a simple misdemeanor.

Sec. 4. NEW SECTION. 600.16A TERMINATION AND ADOPTION RECORDS CLOSED -- EXCEPTIONS.

1. The permanent termination of parental rights record of the juvenile court under chapter 600A and the permanent adoption record of the juvenile court or court shall be sealed by the clerk of the juvenile court or the clerk of court, as appropriate, when they are complete and after the time for appeal has expired.

2. All papers and records pertaining to a termination of parental rights under chapter 600A and to an adoption shall not be open to inspection and the identity of the natural parents of an adopted person shall not be revealed except under any of the following circumstances:

a. 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.

b. The court, for good cause, shall order the opening of 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 following consideration of both of the following:

(1) A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's identity. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. To facilitate the natural parents in filing an affidavit, the department shall, upon request of a natural parent, file an

affidavit in the court in which the adoption records have been sealed.

(2) If the adopted person who applies for revelation of the natural parents' identity has a sibling who is a minor and who has been adopted by the same parents, the court may deny the application on the grounds that revelation to the applicant may also indirectly and harmfully permit the same revelation to the applicant's minor sibling.

c. A natural sibling of an adopted person may file or may request that the department file an affidavit in the court in which the adopted person's adoption records have been sealed requesting that the court reveal or not reveal the sibling's name to the adopted person. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records upon application for revelation by the adopted person. However, the name of the natural sibling shall not be revealed until the natural sibling has attained majority.

d. 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 or mental 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 paragraph 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.

3. In addition to other procedures by which adoption records may be opened under this section, if both of the following conditions are met, the department, the clerk of court, or the agency which made the placement shall open the

adoption record for inspection and shall reveal the identity of the natural parents to the adult adopted child or the identity of the adult adopted child to the natural parents:

a. A natural parent has placed in the adoption record written consent to revelation of the natural parent's identity to the adopted child at an age specified by the natural parent, upon request of the adopted child.

b. An adult adopted child has placed in the adoption record written consent to revelation of the identity of the adult adopted child to a natural parent.

A person who has placed in the adoption record written consent pursuant to paragraph "a" or "b" of this subsection may withdraw the consent at any time by placing a written withdrawal of consent statement in the adoption record.

Notwithstanding the provisions of this subsection, if the adult adopted person has a sibling who is a minor and who has also been adopted by the same parents, the department, the clerk of court, or the agency which made the placement may deny the request of either the adult adopted person or the natural parent to open the adoption records and to reveal the identities of the parties pending determination by the court that there is good cause to open the records pursuant to subsection 2.

4. An adopted person whose adoption became final prior to July 4, 1941, and whose adoption record was not required to be sealed at the time when the adoption record was completed, shall not be required to show good cause for an order opening the adoption record under this subsection, provided that the court shall consider any affidavit filed under this subsection.

5. Any person, other than the adopting parents or the adopted person, who discloses information in violation of this section, is guilty of a simple misdemeanor.

Sec. 5. NEW SECTION. 600.16B FEES.

The supreme court shall prescribe and the department of human services shall adopt rules, to defray the actual cost of the provision of information or the opening of records pursuant to section 600.16 or 600.16A.

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 242, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 4, 1992

TERRY E. BRANSTAD
Governor