

(P.439) 3/4/94 Do Pass
(P.776) 3-21-94 Senate - Judiciary
(P.825) 3-24-94 Senate - Do Pass

FEB 17 1994

HOUSE FILE 2217
BY LUNDBY and CORBETT

Judiciary & Law Enforcement

Passed House, Date 3-21-94 (P.774)
Vote: Ayes 94 Nays 0
Passed Senate, Date 3/28/94 (P.825)
Vote: Ayes 48 Nays 0
Approved April 8, 1994

A BILL FOR

1 An Act relating to changes in terms used to describe parents,
2 children, siblings, and their relationships to one another.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2217

1 Section 1. Section 232.2, subsection 4, paragraph c, Code
2 Supplement 1993, is amended to read as follows:

3 c. The care and services that will be provided to the
4 child, ~~natural~~ biological parents, and foster parents.

5 Sec. 2. Section 232.2, subsection 39, Code Supplement
6 1993, is amended to read as follows:

7 39. "Parent" means a ~~natural~~ biological or adoptive mother
8 or father of a child but does not include a mother or father
9 whose parental rights have been terminated.

10 Sec. 3. Section 232.117, subsection 3, unnumbered
11 paragraph 1, Code 1993, is amended to read as follows:

12 If the court concludes that facts sufficient to sustain the
13 petition have been established by clear and convincing
14 evidence, the court may order parental rights terminated. If
15 the court terminates the parental rights of the child's
16 ~~natural-or-adoptive~~ parents, the court shall transfer the
17 guardianship and custody of the child to one of the following:

18 Sec. 4. Section 234.41, Code 1993, is amended to read as
19 follows:

20 234.41 TORT ACTIONS.

21 A foster parent licensed by the department of human
22 services stands in the same relationship to the foster
23 parent's minor foster child, for purposes of tort actions by
24 or on behalf of the foster child against the foster parent, as
25 a ~~natural~~ biological parent to the ~~natural~~ biological parent's
26 minor child who resides at home. This section does not apply
27 to a foster parent whose malicious, willful and wanton conduct
28 causes injury or damage to a foster child or exposes the
29 foster child to a danger caused by violation of a statute or
30 the rules of the department of human services.

31 Sec. 5. Section 237.3, subsection 2, paragraph h, Code
32 Supplement 1993, is amended to read as follows:

33 h. Policies for involvement of ~~natural~~ biological parents.

34 Sec. 6. Section 237.15, subsection 1, paragraph c, Code
35 1993, is amended to read as follows:

1 c. The care and services that will be provided to the
2 child, ~~natural~~ biological parents, and foster parents.

3 Sec. 7. Section 237.22, subsection 4, Code 1993, is
4 amended to read as follows:

5 4. The care and services that will be provided to the
6 child, ~~natural~~ biological parents, and foster parents.

7 Sec. 8. Section 238.1, subsection 2, paragraph c, Code
8 1993, is amended to read as follows:

9 c. The care and services that will be provided to the
10 child, ~~natural~~ biological parents, and foster parents.

11 Sec. 9. Section 422.9, subsection 2, paragraph c, Code
12 1993, is amended to read as follows:

13 c. Add the amount by which expenses paid or incurred in
14 connection with the adoption of a child by the taxpayer exceed
15 three percent of the net income of the taxpayer, or of the
16 taxpayer and spouse in the case of a joint return. The
17 expenses may include medical and hospital expenses of the
18 ~~natural~~ biological mother which are incident to the child's
19 birth and are paid by the taxpayer, welfare agency fees, legal
20 fees, and all other fees and costs relating to the adoption of
21 a child if the child is placed by a child-placing agency
22 licensed under chapter 238 or by a person making an
23 independent placement according to the provisions of chapter
24 600.

25 Sec. 10. Section 450.9, subsection 2, Code 1993, is
26 amended to read as follows:

27 2. Each son and daughter, including legally adopted sons
28 and daughters, or ~~illegitimate~~ biological sons and daughters
29 entitled to inherit under the law of this state, fifty
30 thousand dollars.

31 Sec. 11. Section 450.10, subsection 1, unnumbered
32 paragraph 1, Code 1993, is amended to read as follows:

33 When the property, interest, or income passes to the father
34 or mother, or to a child or lineal descendant of the decedent,
35 grantor, donor, or vendor, including a legally adopted child

1 or ~~illegitimate~~ biological child entitled to inherit under the
2 laws of this state, the tax imposed shall be on the individual
3 share so passing in excess of the exemptions allowed as
4 follows:

5 Sec. 12. Section 600.2, subsection 1, Code 1993, is
6 amended to read as follows:

7 1. "Child", "parent", "parent-child relationship",
8 "termination of parental rights", "~~natural~~ biological parent",
9 "stepparent", "guardian", "custodian", "guardian ad litem",
10 "minor", "adult", "agency", "department", "court", "juvenile
11 court", "independent placement" mean the same as defined in
12 section 600A.2.

13 Sec. 13. Section 600.8, subsection 1, paragraph c,
14 unnumbered paragraph 1, Code 1993, is amended to read as
15 follows:

16 A background information investigation and a report of this
17 investigation shall not disclose the identity of the ~~natural~~
18 biological parents of the minor person to be adopted and shall
19 answer the following:

20 Sec. 14. Section 600.9, subsection 1, paragraphs c and d,
21 Code 1993, are amended to read as follows:

22 c. Medical care received by the ~~natural~~ biological parents
23 or the minor person during the pregnancy or delivery of the
24 minor person.

25 d. Any other services relating to the adoption or to the
26 placement of the minor person which were received by or on
27 behalf of the petitioner, the ~~natural~~ biological parents, or
28 any other person, including legal fees.

29 Sec. 15. Section 600.9, subsection 2, Code 1993, is
30 amended to read as follows:

31 2. A ~~natural~~ biological parent shall not receive any thing
32 of value as a result of the ~~natural~~ biological parent's child
33 or former child being placed with and adopted by another
34 person, unless that thing of value is commensurate with some
35 necessary service provided the ~~natural~~ biological parent in

1 relation to childbirth, child raising, or delivering the child
2 for adoption. Any person assisting in any way with the
3 placement or adoption of a minor person shall not charge a fee
4 which is more than usual, necessary, and commensurate with the
5 services rendered. If the ~~natural~~ biological parent receives
6 any prohibited thing of value, if a person gives a prohibited
7 thing of value, or if a person charges a prohibited fee under
8 this subsection, each such person shall be, upon conviction,
9 guilty of a simple misdemeanor.

10 Sec. 16. Section 600.16, subsection 2, Code 1993, is
11 amended to read as follows:

12 2. Information regarding an adopted person's existing
13 medical and developmental history and family medical history,
14 which meets the definition of background information in
15 section 600.8, subsection 1, paragraph "c", shall be made
16 available as provided in subsection 1. However, the identity
17 of the adopted person's ~~natural~~ biological parents shall not
18 be disclosed.

19 Sec. 17. Section 600.16A, subsections 2 and 3, Code 1993,
20 are amended to read as follows:

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 biological parents of an adopted person shall not be revealed
25 except 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~~ biological 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~~ biological parents following consideration of
35 both of the following:

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

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

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

26 d. The juvenile court or court may, upon competent medical
27 evidence, open termination or adoption records if opening is
28 shown to be necessary to save the life of or prevent
29 irreparable physical or mental harm to an adopted person or
30 the person's offspring. The juvenile court or court shall
31 make every reasonable effort to prevent the identity of the
32 ~~natural~~ biological parents from becoming revealed under this
33 paragraph to the adopted person. The juvenile court or court
34 may, however, permit revelation of the identity of the ~~natural~~
35 biological parents to medical personnel attending the adopted

1 person or the person's offspring. These medical personnel
2 shall make every reasonable effort to prevent the identity of
3 the ~~natural~~ biological parents from becoming revealed to the
4 adopted person.

5 3. In addition to other procedures by which adoption
6 records may be opened under this section, if both of the
7 following conditions are met, the department, the clerk of
8 court, or the agency which made the placement shall open the
9 adoption record for inspection and shall reveal the identity
10 of the ~~natural~~ biological parents to the adult adopted child
11 or the identity of the adult adopted child to the ~~natural~~
12 biological parents:

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

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

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

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

34 Sec. 18. Section 600.24, subsection 1, Code 1993, is
35 amended to read as follows:

1 1. The identity of the ~~natural~~ biological parents of the
2 adopted person is concealed from the person gaining access to
3 the records.

4 Sec. 19. Section 600A.2, subsection 12, Code 1993, is
5 amended to read as follows:

6 ~~12~~ 2A. "~~Natural~~ Biological parent" means a parent who has
7 been a biological party to the procreation of the child.

8 Sec. 20. Section 600A.5, subsection 2, Code 1993, is
9 amended to read as follows:

10 2. A petition for termination of parental rights shall be
11 filed with the juvenile court in the county in which the
12 guardian or custodian of the child resides or the child, the
13 ~~natural~~ biological mother or the pregnant woman is domiciled.
14 If a juvenile court has made an order pertaining to a minor
15 child under chapter 232, division III and that order is still
16 in force, the termination proceedings shall be conducted
17 pursuant to the provisions of chapter 232, division IV.

18 Sec. 21. Section 600A.6, subsection 1, Code 1993, is
19 amended to read as follows:

20 1. A termination of parental rights under this chapter
21 shall, unless provided otherwise in this section, be ordered
22 only after notice has been served on all necessary parties and
23 these parties have been given an opportunity to be heard
24 before the juvenile court except that notice need not be
25 served on the petitioner or on any necessary party who is
26 spouse of the petitioner. "Necessary party" means any person
27 whose name, residence, and domicile are required to be
28 included on the petition under section 600A.5, subsection 3,
29 paragraphs "a" and "b", except a ~~natural~~ biological parent who
30 has been convicted of having sexually abused the other ~~natural~~
31 biological parent while not cohabiting with that parent as
32 husband and wife, thereby producing the birth of the child who
33 is the subject of the termination proceedings.

34 Sec. 22. Section 600B.5, Code 1993, is amended to read as
35 follows:

1 600B.5 DISCHARGE OF FATHER'S OBLIGATION.

2 The obligation of the father other than that under the laws
3 providing for the support of poor relatives is discharged by
4 complying with a judicial decree for support or with the terms
5 of a judicially approved settlement. The legal adoption of a
6 child into another family discharges the obligation for the
7 period subsequent to the adoption, unless the adoption was
8 fraudulently induced and the adoptive father's parental rights
9 have been terminated and the order terminating the ~~natural~~
10 biological father's parental rights has been vacated in
11 accordance with the procedures set out in section 600A.9,
12 subsection 3.

13 Sec. 23. Section 600B.35, Code 1993, is amended to read as
14 follows:

15 600B.35 REFERENCE TO ILLEGITIMACY PROHIBITED.

16 In all records, certificates, or other papers hereafter
17 made or executed, other than birth records and certificates or
18 records of judicial proceedings in which the question of birth
19 out of wedlock is at issue, requiring a declaration by or
20 notice to the mother of a child born out of wedlock, it shall
21 be sufficient for all purposes to refer to the mother as the
22 parent having the sole custody of the child or to the child as
23 being in the sole custody of the mother and no explicit
24 reference shall be made to illegitimacy, and the term ~~natural~~
25 biological shall be deemed equivalent to the term illegitimate
26 when referring to parentage or birth out of wedlock.

27 Sec. 24. Section 600B.36, Code 1993, is amended to read as
28 follows:

29 600B.36 REPORT TO REGISTRAR OF VITAL STATISTICS.

30 Upon the entry of a judgment determining the paternity of
31 an-illegitimate a child the clerk of the district court shall
32 notify in writing the state registrar of vital statistics of
33 the name of the person against whom such judgment has been
34 entered, together with such other facts disclosed by the
35 records as may assist in identifying the record of the birth

1 of the child as the same may appear in the office of said
2 registrar. If such judgment shall thereafter be vacated that
3 fact shall be reported by the clerk in the same manner.

4 Sec. 25. Section 602.8102, subsection 119, Code Supplement
5 1993, is amended to read as follows:

6 119. Notify the state registrar of vital statistics of a
7 judgment determining the paternity of ~~an-illegitimate~~ a child
8 as provided in section 600B.36.

9 Sec. 26. Section 633.3, subsections 5 and 23, Code 1993,
10 are amended to read as follows:

11 5. Child -- includes an adopted child but does not include
12 a grandchild or other more remote descendants, nor, except as
13 provided in sections 633.221 and 633.222, ~~an-illegitimate~~ a
14 biological child.

15 23. Issue -- for the purposes of intestate succession,
16 includes all lawful lineal descendants of a person, whether
17 ~~natural~~ biological or adopted, except those who are the lineal
18 descendants of the person's living descendants.

19 Sec. 27. Section 633.221, Code 1993, is amended to read as
20 follows:

21 633.221 ~~ILLEGITIMATE~~ BIOLOGICAL CHILD -- INHERIT FROM
22 MOTHER.

23 Unless the child has been adopted, ~~an-illegitimate~~ a
24 biological child shall inherit from the child's ~~natural~~
25 biological mother, and she from the child.

26 Sec. 28. Section 633.222, Code 1993, is amended to read as
27 follows:

28 633.222 ~~ILLEGITIMATE~~ BIOLOGICAL CHILD -- INHERIT FROM
29 FATHER.

30 Unless the child has been adopted, ~~an-illegitimate~~ a
31 biological child inherits from the child's ~~natural~~ biological
32 father if the evidence proving paternity is available during
33 the father's lifetime, or if the child has been recognized by
34 the father as his child; but the recognition must have been
35 general and notorious, or in writing. Under such

1 circumstances, if the recognition has been mutual, and the
2 child has not been adopted, the father may inherit from his
3 ~~illegitimate~~ biological child.

4 Sec. 29. Section 633.223, Code 1993, is amended to read as
5 follows:

6 633.223 EFFECT OF ADOPTION.

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

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

21 3. An adoption of a person by the spouse or surviving
22 spouse of a ~~natural~~ biological parent has no effect on the
23 relationship for inheritance purposes between the adopted
24 person and that ~~natural~~ biological parent or ~~natural~~
25 biological parent's heirs. An adoption of a person by the
26 spouse or surviving spouse of a ~~natural~~ biological parent
27 after the death of the other ~~natural~~ biological parent has no
28 effect on the relationship for inheritance purposes between
29 the adopted person and the deceased ~~natural~~ biological
30 parent's heirs.

31 4. A person inherits through an adopted person, an
32 adoptive parent, or a ~~natural~~ biological parent of an adopted
33 person only if the adopted person, adoptive parent, or ~~natural~~
34 biological parent of an adopted person would have inherited
35 under subsection 1, 2, or 3.

1 Sec. 30. Section 595.18, Code 1993, is amended to read as
2 follows:

3 595.18 ISSUE LEGITIMATIZED.

4 ~~Illegitimate-children~~ Children born outside of a marriage
5 become legitimate by the subsequent marriage of their parents.
6 Children born of a marriage contracted in violation of section
7 595.3 or 595.19 are legitimate.

8 EXPLANATION

9 This bill makes changes throughout the Code as follows: to
10 replace references to "natural" with "biological" as it
11 modifies parent, mother, father, child, and sibling; to
12 replace "illegitimate" with "biological" or by eliminating
13 references to "illegitimate" in reference to a child; and to
14 remove references to "adoptive" when it is unnecessary for
15 distinguishing certain parents from others.

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HOUSE FILE 2217

AN ACT

RELATING TO CHANGES IN TERMS USED TO DESCRIBE PARENTS, CHILDREN,
SIBLINGS, AND THEIR RELATIONSHIPS TO ONE ANOTHER.

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

Section 1. Section 232.2, subsection 4, paragraph c, Code Supplement 1993, is amended to read as follows:

c. The care and services that will be provided to the child, natural biological parents, and foster parents.

Sec. 2. Section 232.2, subsection 39, Code Supplement 1993, is amended to read as follows:

39. "Parent" means a natural biological or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

Sec. 3. Section 232.117, subsection 3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

If the court concludes that facts sufficient to sustain the petition have been established by clear and convincing evidence, the court may order parental rights terminated. If the court terminates the parental rights of the child's natural-or-adoptive parents, the court shall transfer the guardianship and custody of the child to one of the following:

Sec. 4. Section 234.41, Code 1993, is amended to read as follows:

234.41 TORT ACTIONS.

A foster parent licensed by the department of human services stands in the same relationship to the foster parent's minor foster child, for purposes of tort actions by or on behalf of the foster child against the foster parent, as a natural biological parent to the natural biological parent's minor child who resides at home. This section does not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child or exposes the

foster child to a danger caused by violation of a statute or the rules of the department of human services.

Sec. 5. Section 237.3, subsection 2, paragraph h, Code Supplement 1993, is amended to read as follows:

h. Policies for involvement of natural biological parents.

Sec. 6. Section 237.15, subsection 1, paragraph c, Code 1993, is amended to read as follows:

c. The care and services that will be provided to the child, natural biological parents, and foster parents.

Sec. 7. Section 237.22, subsection 4, Code 1993, is amended to read as follows:

4. The care and services that will be provided to the child, natural biological parents, and foster parents.

Sec. 8. Section 238.1, subsection 2, paragraph c, Code 1993, is amended to read as follows:

c. The care and services that will be provided to the child, natural biological parents, and foster parents.

Sec. 9. Section 422.9, subsection 2, paragraph c, Code 1993, is amended to read as follows:

c. 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 biological 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 600.

Sec. 10. Section 450.9, subsection 2, Code 1993, is amended to read as follows:

2. Each son and daughter, including legally adopted sons and daughters, or illegitimate biological sons and daughters entitled to inherit under the law of this state, fifty thousand dollars.

Sec. 11. Section 450.10, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

When the property, interest, or income passes to the father or mother, or to a child or lineal descendant of the decedent, grantor, donor, or vendor, including a legally adopted child or ~~illegitimate~~ biological child entitled to inherit under the laws of this state, the tax imposed shall be on the individual share so passing in excess of the exemptions allowed as follows:

Sec. 12. Section 600.2, subsection 1, Code 1993, is amended to read as follows:

1. "Child", "parent", "parent-child relationship", "termination of parental rights", "~~natural biological~~ parent", "stepparent", "guardian", "custodian", "guardian ad litem", "minor", "adult", "agency", "department", "court", "juvenile court", "independent placement" mean the same as defined in section 600A.2.

Sec. 13. Section 600.8, subsection 1, paragraph c, unnumbered paragraph 1, Code 1993, is amended to read as follows:

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

Sec. 14. Section 600.9, subsection 1, paragraphs c and d, Code 1993, are amended to read as follows:

c. Medical care received by the ~~natural biological~~ 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 biological~~ parents, or any other person, including legal fees.

Sec. 15. Section 600.9, subsection 2, Code 1993, is amended to read as follows:

2. A ~~natural biological~~ parent shall not receive any thing of value as a result of the ~~natural biological~~ 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 biological~~ 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 biological~~ 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 simple misdemeanor.

Sec. 16. Section 600.16, subsection 2, Code 1993, is amended to read as follows:

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", shall be made available as provided in subsection 1. However, the identity of the adopted person's ~~natural biological~~ parents shall not be disclosed.

Sec. 17. Section 600.16A, subsections 2 and 3, Code 1993, are amended to read as follows:

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 biological~~ 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 biological~~ 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 biological parents following consideration of both of the following:

(1) A natural biological 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 biological parents in filing an affidavit, the department shall, upon request of a natural biological parent, provide the natural biological parent with an adoption information packet containing an affidavit for completion and filing with the court.

(2) If the adopted person who applies for revelation of the natural biological 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 biological 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 biological sibling shall not be revealed until the natural biological 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 biological 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 biological 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 biological 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 biological parents to the adult adopted child or the identity of the adult adopted child to the natural biological parents:

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

Sec. 18. Section 600.24, subsection 1, Code 1993, is amended to read as follows:

1. The identity of the natural biological parents of the adopted person is concealed from the person gaining access to the records.

Sec. 19. Section 600A.2, subsection 12, Code 1993, is amended to read as follows:

12 2A. "Natural Biological parent" means a parent who has been a biological party to the procreation of the child.

Sec. 20. Section 600A.5, subsection 2, Code 1993, is amended to read as follows:

2. A petition for termination of parental rights shall be filed with the juvenile court in the county in which the guardian or custodian of the child resides or the child, the natural biological mother or the pregnant woman is domiciled. If a juvenile court has made an order pertaining to a minor child under chapter 232, division III and that order is still in force, the termination proceedings shall be conducted pursuant to the provisions of chapter 232, division IV.

Sec. 21. Section 600A.6, subsection 1, Code 1993, is amended to read as follows:

1. A termination of parental rights under this chapter shall, unless provided otherwise in this section, be ordered 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 except that notice need not be served on the petitioner or on any necessary party who is spouse of the petitioner. "Necessary party" means any person whose name, residence, and domicile are required to be included on the petition under section 600A.5, subsection 3, paragraphs "a" and "b", except a natural biological parent who has been convicted of having sexually abused the other natural biological parent while not cohabiting with that parent as husband and wife, thereby producing the birth of the child who is the subject of the termination proceedings.

Sec. 22. Section 600B.5, Code 1993, is amended to read as follows:

600B.5 DISCHARGE OF FATHER'S OBLIGATION.

The obligation of the father other than that under the laws providing for the support of poor relatives is discharged by complying with a judicial decree for support or with the terms of a judicially approved settlement. The legal adoption of a child into another family discharges the obligation for the period subsequent to the adoption, unless the adoption was fraudulently induced and the adoptive father's parental rights have been terminated and the order terminating the natural biological father's parental rights has been vacated in accordance with the procedures set out in section 600A.9, subsection 3.

Sec. 23. Section 600B.35, Code 1993, is amended to read as follows:

600B.35 REFERENCE TO ILLEGITIMACY PROHIBITED.

In all records, certificates, or other papers hereafter made or executed, other than birth records and certificates or records of judicial proceedings in which the question of birth out of wedlock is at issue, requiring a declaration by or notice to the mother of a child born out of wedlock, it shall be sufficient for all purposes to refer to the mother as the parent having the sole custody of the child or to the child as being in the sole custody of the mother and no explicit reference shall be made to illegitimacy, and the term natural biological shall be deemed equivalent to the term illegitimate when referring to parentage or birth out of wedlock.

Sec. 24. Section 600B.36, Code 1993, is amended to read as follows:

600B.36 REPORT TO REGISTRAR OF VITAL STATISTICS.

Upon the entry of a judgment determining the paternity of an illegitimate a child the clerk of the district court shall notify in writing the state registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by the

records as may assist in identifying the record of the birth of the child as the same may appear in the office of said registrar. If such judgment shall thereafter be vacated that fact shall be reported by the clerk in the same manner.

Sec. 25. Section 602.8102, subsection 119, Code Supplement 1993, is amended to read as follows:

119. Notify the state registrar of vital statistics of a judgment determining the paternity of an ~~illegitimate~~ a child as provided in section 600B.36.

Sec. 26. Section 633.3, subsections 5 and 23, Code 1993, are amended to read as follows:

5. Child -- includes an adopted child but does not include a grandchild or other more remote descendants, nor, except as provided in sections 633.221 and 633.222, an ~~illegitimate~~ a biological child.

23. Issue -- for the purposes of intestate succession, includes all lawful lineal descendants of a person, whether natural biological or adopted, except those who are the lineal descendants of the person's living descendants.

Sec. 27. Section 633.221, Code 1993, is amended to read as follows:

633.221 ~~ILLEGITIMATE~~ BIOLOGICAL CHILD -- INHERIT FROM MOTHER.

Unless the child has been adopted, an ~~illegitimate~~ a biological child shall inherit from the child's natural biological mother, and she from the child.

Sec. 28. Section 633.222, Code 1993, is amended to read as follows:

633.222 ~~ILLEGITIMATE~~ BIOLOGICAL CHILD -- INHERIT FROM FATHER.

Unless the child has been adopted, an ~~illegitimate~~ a biological child inherits from the child's natural biological father if the evidence proving paternity is available during the father's lifetime, or if the child has been recognized by the father as his child; but the recognition must have been general and notorious, or in writing. Under such

circumstances, if the recognition has been mutual, and the child has not been adopted, the father may inherit from his ~~illegitimate~~ biological child.

Sec. 29. Section 633.223, Code 1993, is amended to read as follows:

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 biological parents. The adopted person inherits from and through the adoptive parents in the same manner as a natural born biological child inherits from and through the child's natural biological parents.

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

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

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

Sec. 30. Section 595.18, Code 1993, is amended to read as follows:

595.18 ISSUE LEGITIMATIZED.

~~Illegitimate-children~~ Children born outside of a marriage become legitimate by the subsequent marriage of their parents. Children born of a marriage contracted in violation of section 595.3 or 595.19 are legitimate.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2217, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 8, 1994

TERRY E. BRANSTAD
Governor

HF 2217