

Reprinted

(P. 738) 3-17-94 Senate - Human Resources

MAR 7 1994
Place On Calendar

HOUSE FILE 2377
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2201)

<i>(P. 675)</i>	Passed House, Date <u>3-16-94</u>	<i>(P. 1088)</i>	Passed Senate, Date <u>4-7-95</u>
	Vote: Ayes <u>91</u> Nays <u>8</u>		Vote: Ayes <u>50</u> Nays <u>0</u>
	Approved <u>May 12, 1994</u>		

A BILL FOR

1 An Act relating to termination of parental rights and adoption
 2 procedures, providing for applicability of the Act, providing
 3 penalties, and providing an effective date and an
 4 applicability provision.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

HF 2377

1 Section 1. NEW SECTION. 144.12A DECLARATION OF PATERNITY
2 REGISTRY.

3 The registrar shall establish a registry for the filing of
4 written declarations of paternity completed pursuant to
5 section 600A.2. The division of records and statistics of the
6 Iowa department of public health shall accept and register a
7 declaration of paternity immediately upon receipt of the
8 declaration, without fees and without the signature of the
9 mother of the child, if the declaration is filed within twenty
10 days of the child's birth or prior to the holding of a
11 termination of parental rights hearing, whichever is earlier.

12 The declaration is a public record. A declaration of
13 paternity shall not be accepted after twenty days from the
14 date of birth of the child or after the holding of the
15 termination of parental rights hearing, whichever is earlier.

16 A declaration of paternity which is completed pursuant to
17 section 600A.2 does not constitute an affidavit of paternity
18 filed pursuant to section 252A.3 and declarations filed shall
19 be maintained by the registrar in a registry which is distinct
20 from the registry used to maintain affidavits of paternity. A
21 declaration of paternity filed with the declaration of
22 paternity registry may be used as evidence of paternity in an
23 action to establish paternity or to determine a support
24 obligation with respect to the putative father.

25 Sec. 2. Section 232.116, subsection 1, paragraph d,
26 subparagraph (3), Code Supplement 1993, is amended to read as
27 follows:

28 (3) There is clear and convincing evidence that the
29 parents have not maintained significant and meaningful contact
30 with the child during the previous six consecutive months and
31 have made no reasonable efforts to resume care of the child
32 despite being given the opportunity to do so. For the
33 purposes of this subparagraph, "significant and meaningful
34 contact" includes but is not limited to the affirmative
35 assumption by the parents of the duties encompassed by the

1 role of being a parent. This affirmative duty, in addition to
2 financial obligations, requires continued interest in the
3 child, a genuine effort to complete the responsibilities
4 prescribed in the case permanency plan, a genuine effort to
5 maintain communication with the child, and requires that the
6 parents establish and maintain a place of importance in the
7 child's life.

8 Sec. 3. NEW SECTION. 238.43A CONTRACTS FOR SERVICES --
9 LIABILITY FOR COSTS.

10 An agency which enters into a contract with a referral
11 agency to provide child placement services is liable for the
12 costs of services which are paid prior to the provision of
13 services, if the services are not subsequently provided.

14 Sec. 4. Section 600.1, Code 1993, is amended to read as
15 follows:

16 600.1 CONSTRUCTION.

17 This chapter shall be construed liberally. The ~~welfare~~
18 best interest of the person to be adopted shall be the
19 paramount consideration in interpreting this division.
20 However, the interests of the adopting parents shall be given
21 due consideration in this interpretation.

22 Sec. 5. Section 600.9, Code 1993, is amended by striking
23 the section and inserting in lieu thereof the following:

24 600.9 REPORT OF EXPENDITURES.

25 1. a. A natural parent shall not receive any thing of
26 value as a result of the natural parent's child or former
27 child being placed with and adopted by another person, unless
28 that thing of value is an allowable expense under subsection
29 2.

30 b. Any person assisting in any way with the placement or
31 adoption of a minor person shall not charge a fee which is
32 more than usual, necessary, and commensurate with the services
33 rendered.

34 c. If the natural parent receives any prohibited thing of
35 value, if a person gives a prohibited thing of value, or if a

1 person charges a prohibited fee under this subsection, the
2 adoption procedure may be invalidated by the court.

3 2. An adoption petitioner of a minor person shall file
4 with the court, prior to the adoption hearing, a full
5 accounting of all disbursements of any thing of value paid or
6 agreed to be paid by or on behalf of the petitioner in
7 connection with the petitioned adoption. This accounting
8 shall be made by a report prescribed by the court and shall be
9 signed and verified by the petitioner. Only expenses incurred
10 in connection with the following and any other expenses
11 approved by the court are allowable:

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

13 b. Placement of the minor person with the adoption
14 petitioner and legal expenses related to the termination of
15 parental rights and adoption processes.

16 c. Medical care received by the natural parents or the
17 minor person during the pregnancy or delivery of the minor
18 person and for medically necessary postpartum care for the
19 natural parent and the minor person.

20 d. Living expenses of the mother, permitted in an amount
21 not to exceed the cost of room and board or rent and food, and
22 transportation, for medical purposes only, on a common carrier
23 of persons or an ambulance, for no longer than thirty days
24 after the birth of the minor person.

25 e. Costs of the counseling provided in accordance with
26 section 600A.4, subsection 2, to the natural parents prior to
27 the release of custody and any counseling provided to the
28 natural parents for not more than sixty days after the birth
29 of the child.

30 f. Living expenses of the minor person if the minor person
31 is placed in foster care during the pendency of the
32 termination of parental rights proceedings.

33 All payments for allowable expenses shall be made to the
34 provider, if applicable, and not directly to the natural
35 parents. The provisions of this subsection do not apply in a

1 stepparent adoption.

2 Sec. 6. Section 600.13, subsection 4, Code 1993, is
3 amended to read as follows:

4 4. A final adoption decree terminates any parental rights,
5 including the parental rights of any putative natural parent
6 if notice has been provided in accordance with section 600A.6,
7 except those of a spouse of the adoption petitioner, existing
8 at the time of its issuance and establishes the parent-child
9 relationship between the adoption petitioner and the person
10 petitioned to be adopted. Unless otherwise specified by law,
11 such parent-child relationship shall be deemed to have been
12 created at the birth of the child.

13 Sec. 7. Section 600.14, Code 1993, is amended by adding
14 the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. The supreme court may adopt
16 rules which provide for the expediting of contested cases
17 under this chapter and chapter 600A.

18 Sec. 8. Section 600A.1, Code 1993, is amended to read as
19 follows:

20 600A.1 CONSTRUCTION.

21 This chapter shall be construed liberally. The ~~welfare~~
22 best interest of the child subject to the proceedings of this
23 chapter shall be the paramount consideration in interpreting
24 this chapter. However, the interests of the parents of this
25 child or any natural person standing in the place of the
26 parents to this child shall be given due consideration in this
27 interpretation.

28 The best interest of a child requires that each natural
29 parent affirmatively assume the duties encompassed by the role
30 of being a parent. In determining whether a parent has
31 affirmatively assumed the duties of a parent, the court shall
32 consider, but is not limited to consideration of, the
33 fulfillment of financial obligations, demonstration of
34 continued interest in the child, demonstration of a genuine
35 effort to maintain communication with the child, and

1 demonstration of the establishment and maintenance of a place
2 of importance in the child's life. Application of this
3 chapter is limited to termination of parental rights
4 proceedings and shall not apply to actions to establish
5 paternity or to overcome established paternity.

6 Sec. 9. Section 600A.2, Code 1993, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 14A. "Putative father" means a man who is
9 alleged to be or who claims to be the biological father of a
10 child born to a woman to whom the man is not married at the
11 time of birth of the child.

12 Sec. 10. Section 600A.2, subsection 17, Code 1993, is
13 amended to read as follows:

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

23 b. In reference to a putative father, the putative father
24 is presumed to have abandoned the child when the child reaches
25 twenty days of age or at the time of the holding of a
26 termination of parental rights hearing, whichever is earlier,
27 unless the putative father meets one of the following
28 conditions:

29 (1) Files a written declaration of paternity with the
30 division of records and statistics of the Iowa department of
31 public health. The division of records and statistics shall
32 accept and immediately register, upon receipt, a declaration
33 of paternity without fees and without the mother's signature,
34 if the declaration is filed within twenty days of the child's
35 birth or prior to the holding of a termination of parental

1 rights hearing, whichever is earlier. The declaration is a
2 public record. A declaration of paternity shall not be
3 accepted after twenty days from the date of birth of the child
4 or after the holding of the termination of parental rights
5 hearing, whichever is earlier. A declaration of paternity
6 filed pursuant to this section may be used as evidence of
7 paternity in an action to establish paternity or to determine
8 a support obligation with respect to the putative father.

9 (2) Files a petition to establish paternity and support
10 pursuant to chapter 252A or 600B and serves notice on the
11 child's mother and forwards a copy of the petition to the
12 declaration of paternity registry created in section 144.12A
13 within twenty days of the child's birth or prior to the
14 holding of a termination of parental rights hearing, whichever
15 is earlier.

16 Sec. 11. Section 600A.4, subsection 2, Code 1993, is
17 amended by adding the following new paragraphs after paragraph
18 c and relettering the subsequent paragraphs:

19 NEW PARAGRAPH. d. Shall be preceded by the offering of a
20 minimum of three hours of counseling to the natural parents
21 regarding the decision to release custody and the alternatives
22 available to the natural parents in disposition of the child.
23 The release of custody shall contain written acknowledgment of
24 the offering of counseling to the natural parent and of
25 acceptance or refusal of the counseling. If accepted, the
26 counseling shall be provided after the birth of the child and
27 prior to the signing of a release of custody or the filing of
28 a petition for termination of parental rights. Counseling
29 shall be provided only by a person who is qualified under
30 rules adopted by the department of human services which shall
31 include a requirement that the person complete a minimum
32 number of hours of training in the area of adoption-related
33 counseling approved by the department or, in the alternative,
34 that the person has a minimum level of experience, as
35 determined by rule of the department, in the provision of

1 adoption-related counseling. The counselor shall provide an
2 affidavit, which shall be attached to the release of custody,
3 certifying that the counselor has provided the natural parent
4 with the requested counseling or that the natural parent has
5 refused counseling prior to the signing of the release of
6 custody and documentation that the person is qualified to
7 provide the requested counseling as prescribed by this
8 paragraph.

9 NEW PARAGRAPH. e. Shall contain a notice to the natural
10 parent that if a natural parent identifies the other natural
11 parent of the child and knowingly and intentionally
12 misidentifies that natural parent in the written release of
13 custody or in any document related to the termination of
14 parental rights proceedings, the natural parent providing the
15 misinformation is guilty of a serious misdemeanor.

16 NEW PARAGRAPH. f. Shall be accompanied by a report which
17 includes, to the extent available, the complete family medical
18 history of the person to be adopted including any known
19 genetic, metabolic, or familial disorders and the complete
20 medical and developmental history of the person to be adopted,
21 but which does not disclose the identity of the natural
22 parents of the person to be adopted.

23 Sec. 12. Section 600A.4, subsection 2, paragraph d, Code
24 1993, is amended to read as follows:

25 d g. Shall be signed, not less than seventy-two hours
26 after the birth of the child to be released, by all living
27 parents. The seventy-two hour minimum time period requirement
28 shall not be waived.

29 Sec. 13. Section 600A.6, subsection 1, Code 1993, is
30 amended to read as follows:

31 1. A termination of parental rights under this chapter
32 shall, unless provided otherwise in this section, be ordered
33 only after notice has been served on all necessary parties and
34 these parties have been given an opportunity to be heard
35 before the juvenile court except that notice need not be

1 served on the petitioner or on any necessary party who is
2 spouse of the petitioner. "Necessary party" means any person
3 whose name, residence, and domicile are required to be
4 included on the petition under section 600A.5, subsection 3,
5 paragraphs "a" and "b" and any putative father who files a
6 declaration of paternity pursuant to section 600A.2,
7 subsection 17, or any unknown putative father, if any, except
8 a natural parent who has been convicted of having sexually
9 abused the other natural parent while not cohabiting with that
10 parent as husband and wife, thereby producing the birth of the
11 child who is the subject of the termination proceedings.

12 Sec. 14. Section 600A.6, subsections 5 and 6, Code 1993,
13 are amended by striking the subsections and inserting in lieu
14 thereof the following:

15 5. A necessary party whose identity is known but whose
16 location or address is unknown or all unknown putative
17 fathers, if any, shall be served by published notice in the
18 form provided in this subsection. If the identity of a
19 necessary party is known but the location of the necessary
20 party is unknown, notice by publication shall also include the
21 name of the necessary party. The child's actual or expected
22 date of birth and place of birth shall also be stated in the
23 notice. Notice by publication shall be served according to
24 the rules of civil procedure relating to an original notice
25 where not inconsistent with the provisions of this section.
26 Notice by publication shall be published once a week for two
27 consecutive weeks in a medium which is reasonably expected to
28 provide notice to the necessary party, the last publication to
29 be not less than three days prior to the hearing on
30 termination of parental rights. The notice shall be
31 substantially in the following form:

32 TO: _____ (OR) ALL PUTATIVE FATHERS OF A CHILD (EXPECTED
33 TO BE) BORN ON THE _____ DAY OF _____, _____, IN
34 _____, IOWA.

35 You are notified that there is now on file in the office of

1 the clerk of court for _____ county, a petition in case
2 number _____, which prays for a termination of your
3 parent-child relationship to a child (expected to be) born on
4 the _____ day of _____, _____. For further
5 details contact the clerk's office. The petitioner's attorney
6 is _____.

7 You are notified that there will be a hearing on the peti-
8 tion to terminate parental rights before the Iowa District
9 Court For _____ County, at the Courthouse in _____,
10 Iowa, at _____ .M. on the _____ day of
11 _____, _____.

12 CLERK OF THE ABOVE COURT

13 Sec. 15. NEW SECTION. 600A.9A TERMINATION PROCEDURES --
14 PENALTY FOR VIOLATION.

15 1. Any person who knowingly and intentionally
16 misidentifies a natural parent in any procedure or document
17 relating to a termination of parental rights is guilty of a
18 serious misdemeanor.

19 2. Any person who accepts a release of custody under sec-
20 tion 600A.4 prior to the expiration of the seventy-two-hour
21 period required, is guilty of a serious misdemeanor.

22 Sec. 16. APPLICABILITY. A petition for termination of
23 parental rights which is pending on the effective date of this
24 Act, and relative to which notice of the termination hearing
25 has not yet been provided pursuant to section 600A.6, is
26 subject to sections 1, 6, 9, 10, 13, and 14 of this Act.

27 Sec. 17. EFFECTIVE DATE. This Act, being deemed of
28 immediate importance, takes effect upon enactment.

29 EXPLANATION

30 This bill addresses the areas of termination of parental
31 rights and adoption. The bill includes provisions which
32 establish a declaration of paternity registry; describes the
33 types of expenditures for which payment to birth parents is
34 allowed by prospective adoptive parents; requires that
35 counseling be offered to birth parents, and, if accepted, is

1 provided after the birth of the child and prior to release of
2 custody; provides the best interest of the child in
3 termination of parental rights decisions requires affirmative
4 parenting; redefines "to abandon a minor child", in reference
5 to a putative father, to mean that the putative father has not
6 filed a declaration of paternity or has not filed a petition
7 to establish paternity; provides that the minimum 72-hour time
8 period for execution of a release of custody is not waivable;
9 provides for notice to necessary parties whose identity is
10 known but whose location or address is unknown or to unknown
11 putative fathers and the form of the notice for notice by
12 publication; and provides penalties for knowingly and
13 intentionally misidentifying a natural parent in a termination
14 proceeding or document relating to the proceeding or for
15 accepting a release of custody prior to the minimum 72-hour
16 limitation period. The bill also redefines "significant and
17 meaningful contact" for the purposes of grounds for
18 involuntary termination of parental rights and provides that
19 if a child placing agency enters a contract with a referral
20 agency and costs of services are paid prior to the provision
21 of services, the agency is liable for payment of these costs
22 if the services are not subsequently provided. The bill also
23 provides that certain of the new provisions are applicable to
24 a termination of parental rights proceeding if the proceeding
25 is at the stage at which notice of the hearing has not yet
26 been provided and provides for applicability in a way which
27 does not affect actions to establish paternity or support.
28 The bill is effective upon enactment.

29
30
31
32
33
34
35

HOUSE FILE 2377

H-5330

1 Amend House File 2377 as follows:
 2 1. Page 4, by inserting after line 17 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 600.26 ADVERTISEMENT OF
 5 ADOPTION IN PUBLIC MEDIA PROHIBITED.
 6 1. A natural parent of a minor or a representative
 7 of a natural parent of a minor shall not advertise
 8 through any public newspaper in the state for the
 9 placement of the minor for the purposes of adoption.
 10 2. A prospective adoptive parent or a
 11 representative of a prospective adoptive parent shall
 12 not advertise through any public newspaper in the
 13 state for the placement of a minor in the prospective
 14 adoptive parent's or representative's care for the
 15 purpose of adoption.
 16 3. For the purposes of this section, "public
 17 newspaper" means any newspaper receivable by the
 18 general public including both for-profit and nonprofit
 19 public newspapers.
 20 4. A person who violates this section is guilty of
 21 a serious misdemeanor."
 22 2. By renumbering as necessary.

By HAMMOND of Story
 JOCHUM of Dubuque
 DODERER of Johnson

LOU 3-16-94 (P. 660)

H-5330 FILED MARCH 14, 1994

HOUSE FILE 2377

H-5334

1 Amend House File 2377 as follows:
 2 1. Page 8, by inserting after line 11 the
 3 following:
 4 "Sec. ____ . Section 600A.6, subsection 2, Code
 5 1993, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. A person who is
 8 appointed as a guardian ad litem for a minor child
 9 shall not also be the attorney for any party other
 10 than the minor child in any proceeding involving the
 11 minor child. The guardian ad litem may make an
 12 independent investigation of the interest of the child
 13 and may cause witnesses to appear before the court to
 14 provide testimony relevant to the best interest of the
 15 minor child."
 16 2. By renumbering as necessary.

By DODERER of Johnson
 JOCHUM of Dubuque
 HURLEY of Fayette

H-5334 FILED MARCH 14, 1994

Adopted 3-16-94 (P. 667)

HOUSE FILE 2377

H-5335

- 1 Amend House File 2377 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 22.7, Code Supplement 1993, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 31. Information contained in a
- 7 declaration of paternity completed pursuant to section
- 8 600A.2 and filed with the state registrar of vital
- 9 statistics pursuant to section 144.12A, except to the
- 10 extent that the information is necessary to provide
- 11 notice to the parties and for use in a termination of
- 12 parental rights or adoption proceeding."
- 13 2. Page 1, line 12, by striking the words "public
- 14 record" and inserting the following: "confidential
- 15 record pursuant to section 22.7".
- 16 3. Page 6, line 2, by striking the words "public
- 17 record" and inserting the following: "confidential
- 18 record pursuant to section 22.7".
- 19 4. By renumbering as necessary.

By MORELAND of Wapello

H-5335 FILED MARCH 14, 1994
out of order 3-15-94 (P. 635)

HOUSE FILE 2377

H-5336

- 1 Amend House file 2377 as follows:
- 2 1. Page 1, line 9, by striking the word "twenty"
- 3 and inserting the following: "ninety".
- 4 2. Page 1, line 13, by striking the word "twenty"
- 5 and inserting the following: "ninety".
- 6 3. Page 5, line 25, by striking the word "twenty"
- 7 and inserting the following: "ninety".
- 8 4. Page 5, line 34, by striking the word "twenty"
- 9 and inserting the following: "ninety".
- 10 5. Page 6, line 3, by striking the word "twenty"
- 11 and inserting the following: "ninety".
- 12 6. Page 6, line 13, by striking the word "twenty"
- 13 and inserting the following: "ninety".

By MORELAND of Wapello

H-5336 FILED MARCH 14, 1994

A. Withdrawn 3-15-94
B. Withdrawn 3-16-94 (P. 663)

HOUSE FILE 2377

H-5337

1 Amend House File 2377 as follows:

2 1. Page 5, line 7, by striking the word
3 "subsection" and inserting the following:
4 "subsections".

5 2. Page 5, by inserting after line 7 the
6 following:

7 "NEW SUBSECTION. 3A. "Counseling" means unbiased
8 information provided by a counselor to a natural
9 parent, prior to or after the birth of the child, or
10 after placement of the child. If the counseling is
11 provided after the birth of the child and prior to the
12 signing of a release of custody or prior to the filing
13 of a petition for the termination of parental rights,
14 the counseling shall consist of all of the following:

15 a. An explanation and consideration of
16 alternatives to adoption available to the natural
17 parent to assist the natural parent in determining the
18 best course of action.

19 b. Detailed information regarding the identified
20 adoption process including reviewing and providing a
21 copy of a description of the procedure.

22 c. A thorough explanation and consideration of the
23 legal and personal impact of terminating parental
24 rights and of adoption.

25 d. An explanation of informed consent regarding a
26 release of custody and a termination of parental
27 rights petition.

28 e. Completion of a birth parent medical and social
29 history form.

30 NEW SUBSECTION. 3B. "Counselor" means a person
31 who is trained in natural parent counseling who
32 provides unbiased counseling to a natural parent prior
33 to or after the birth of the child or after placement
34 of the child who is one of the following:

35 a. A staff member or service worker of an agency.

36 b. A member of the staff of a hospital which is
37 providing medical care to a natural parent who has
38 been designated to provide counseling and who has been
39 approved to provide counseling by an agency.

40 c. A social worker licensed pursuant to chapter
41 154C."

42 3. By striking page 6, line 19, through page 7,
43 line 8, and inserting the following:

44 "NEW PARAGRAPH. d. Shall be preceded by the
45 offering of counseling as defined in section 600A.2 to
46 the natural parents by a counselor as defined in
47 section 600A.2. Counseling shall be offered prior to
48 the birth of the child and following the placement of
49 the child. Counseling which is offered prior to the
50 birth of the child or following placement of the child

H-5337

H-5337

Page 2

1 may be accepted or refused by the natural parent. In
 2 addition, a minimum of three hours of counseling shall
 3 be provided to the natural parent. In addition, a
 4 minimum of three hours of counseling shall be provided
 5 to the natural parent following the birth of the child
 6 and prior to the signing of a release of custody or
 7 the filing of a petition for termination of parental
 8 rights, and shall not be refused by the natural
 9 parent. The release of custody shall contain written
 10 acknowledgement of the offering of counseling to the
 11 natural parent for the time prior to the birth of the
 12 child and following placement of the child and of
 13 acceptance or refusal of the counseling. The release
 14 of custody shall also be accompanied by an affidavit
 15 certifying that the counselor has provided the natural
 16 parent with the required minimum of three hours of
 17 counseling following the birth of the child and prior
 18 to the signing of a release of custody or the filing
 19 of a petition for the termination of parental rights
 20 and documentation that the person providing the
 21 counseling is qualified to provide the counseling."

22 4. By renumbering as necessary.

By HAMMOND of Story

H-5337 FILED MARCH 14, 1994

Lost 3-16-94 (P. 673)

HOUSE FILE 2377

H-5338

Amend House File 2377 as follows:

- 2 1. Page 1, line 11, by striking the word
- 3 "earlier" and inserting the following: "later".
- 4 2. Page 1, line 15, by striking the word
- 5 "earlier" and inserting the following: "later".
- 6 3. Page 6, line 1, by striking the word "earlier"
- 7 and inserting the following: "later".
- 8 4. Page 6, line 5, by striking the word "earlier"
- 9 and inserting the following: "later".
- 10 5. Page 6, line 15, by striking the word
- 11 "earlier" and inserting the following: "later".

By HALVORSON of Webster

H-5338 FILED MARCH 14, 1994

A. Withdrawn 3-15-94

*B. Withdrawn 3-16-94 (P. 674)
LOST*

HOUSE FILE 2377

H-5339

- 1 Amend House File 2377 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 22.7, Code Supplement 1993, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 31. Information contained in a
- 7 declaration of paternity completed pursuant to section
- 8 600A.2 and filed with the state registrar of vital
- 9 statistics pursuant to section 144.12A, except to the
- 10 extent that the information is necessary to provide
- 11 notice to the parties and for use by the court or
- 12 agency to carry out official duties related to a
- 13 termination of parental rights or adoption
- 14 proceeding."
- 15 2. Page 1, line 12, by striking the words "public
- 16 record" and inserting the following: "confidential
- 17 record pursuant to section 22.7".
- 18 3. Page 6, line 2, by striking the words "public
- 19 record" and inserting the following: "confidential
- 20 record pursuant to section 22.7".
- 21 4. By renumbering as necessary.

By HALVORSON of Weoster

H-5339 FILED MARCH 14, 1994

*Out of Order 3-15-94
(p. 635)*

HOUSE FILE 2377

H-5325

- 1 Amend House File 2377 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ . NEW SECTION. 232.168 ATTORNEY GENERAL
- 5 TO ENFORCE.
- 6 The attorney general shall, on the attorney
- 7 general's own initiative, institute all criminal and
- 8 civil actions and proceedings under this division, at
- 9 whatever stage of placement necessary, to enforce the
- 10 interstate compact on the placement of children,
- 11 including, but not limited to, seeking enforcement of
- 12 the provisions of the compact through the courts of a
- 13 party state. The department of human services shall
- 14 cooperate with the attorney general and shall refer
- 15 any placement or proposed placement to the attorney
- 16 general which requires enforcement measures."

By DINKLA of Guthrie
HURLEY of Fayette

JOCHUM of Dubuque
MORELAND of Wapello

H-5325 FILED MARCH 14, 1994

*Adopted
3-16-94
(p. 655)*

HOUSE FILE 2377

H-5340

1 Amend House File 2377 as follows:

2 1. Page 3, by striking line 2, and inserting the
3 following: "person is guilty of a class "C" felony."

4 2. Page 3, line 16, by striking the word
5 "Medical" and inserting the following: "Pregnancy-
6 related medical".

7 3. Page 4, line 15, by striking the words "may
8 adopt" and inserting the following: "shall
9 prescribe".

10 4. Page 4, by inserting after line 17, the
11 following:

12 "Sec. ____ . Section 600.16, Code 1993, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 2A. The provisions of this
15 section also apply to information collected pursuant
16 to section 600A.4, pertaining to the family medical
17 history, medical and developmental history, and social
18 history of the person to be adopted."

19 5. Page 7, line 17, by inserting after the word
20 "medical" the following: "and social".

21 6. Page 7, line 20, by inserting after the word
22 "adopted," the following: "and a social history of
23 the minor child and the minor child's family".

24 7. Page 7, line 22, by inserting after the word
25 "adopted." the following: "The social history shall
26 include but is not limited to the minor child's
27 racial, ethnic, and religious background and a general
28 description of the minor child's natural parents; an
29 account of the minor child's prior and existing
30 relationship with any relative, foster parent, or
31 other individual with whom the minor child regularly
32 lives or whom the child regularly visits; the level of
33 educational, athletic, scientific, artistic, and
34 vocational achievement of the minor child's family
35 members; any criminal conviction of a natural parent;
36 and any information necessary to determine the minor
37 child's eligibility for state or federal benefits,
38 including subsidies for adoption and other financial,
39 medical, or similar assistance.

40 A natural parent shall also provide ongoing
41 information to the adoptive parents, as additional
42 medical or social history information becomes known,
43 by providing information to the Iowa department of
44 public health, and shall provide the current address
45 of the natural parent to the department, as necessary.
46 The department shall transmit the information to the
47 adoptive parents if the address of the adoptive
48 parents is known.

49 A person who furnishes a report required under this
50 paragraph and the court shall not disclose any

H-5340

-1-

H-5340

Page 2

1 information upon which the report is based except as
2 otherwise provided in this section and such a person
3 is subject of the penalties provided in section
4 600.16, as applicable. A person who is the subject of
5 any report may bring a civil action against a person
6 who discloses the information in violation of this
7 section.

8 Information provided under this paragraph shall not
9 be used as evidence in any civil or criminal
10 proceeding against a person who is the subject of the
11 information.

12 The department shall prescribe forms designed to
13 obtain the family medical and social history and shall
14 provide the forms at no charge to any agency or person
15 who executes a release of custody of the minor child
16 or who files a petition for termination of parental
17 rights."

18 8. By renumbering as necessary.

By JOCHUM of Dubuque

H-5340 FILED MARCH 14, 1994

3-16-94

A. adopted (P. 669)

B. ~~adopted~~ (P. 669)

C. adopted (P. 611)

HOUSE FILE 2377

H-5366

1 Amend House File 2377 as follows:

2 1. Page 9, line 21, by inserting after the word
3 "misdemeanor." the following: "An attorney who
4 accepts or participates in the execution of a release
5 of custody prior to the seventy-two-hour minimum
6 period is, in addition to the penalty provided under
7 this section, subject to suspension of the person's
8 license to practice law in this state for six months
9 for a first offense and is subject to disbarment for
10 any second or subsequent offense."

By HALVORSON of Webster

H-5366 FILED MARCH 14, 1994

Withdrawn 3-16-94 (p. 669)

HOUSE FILE 2377

H-5341

1 Amend House File 2377 as follows:

2 1. By striking page 7, line 24 through page 4,
3 line 1, and inserting the following:

4 "600.9 REPORT OF EXPENDITURES -- ALLOWABLE
5 EXPENSES.

6 1. A prospective adoptive parent may provide for
7 payment of only the following allowable expenses, in
8 addition to the reasonable and necessary expenses
9 charged by the agency or person making an independent
10 placement in accordance with an established fee
11 schedule. The agency or person making an independent
12 placement assisting with the placement shall
13 investigate and offer to both the prospective adoptive
14 parents and the natural parents alternative sources
15 for payment of any allowable expenses. Any payments
16 made shall not be made directly to the natural parents
17 but shall be made to the agency or person making an
18 independent placement for distribution. Only the
19 following are allowable expenses:

20 a. The living expenses of the natural mother not
21 to exceed an amount which is twenty-five percent of
22 the monthly maximum payment made under the family
23 investment program for a pregnant woman not to exceed
24 payment for two months.

25 b. Payment for transportation, lodging, and food
26 costs for a natural parent incurred as a direct result
27 of the attempt to place the child through the agency
28 or person making an independent placement at a cost
29 not to exceed round-trip coach fare on a common
30 carrier from and to the natural parent's established
31 place of residence and any necessary related
32 connecting transportation and reasonable and necessary
33 lodging and food costs.

34 c. Payment for counseling provided to the natural
35 parents for not more than eight hours at rates not to
36 exceed average regional fee scales as compiled by the
37 department.

38 d. Payment for reasonable and necessary foster
39 care expenses for the child who is to be adopted in a
40 child foster care facility at a rate which does not
41 exceed the average, prevailing rate in the region in
42 which the facility is located.

43 e. The costs of prenatal medical services related
44 to the pregnancy for the natural mother and for
45 delivery and medical expenses of the newborn not to
46 exceed reasonable and necessary costs and which do not
47 exceed the average, prevailing rate for these expenses
48 in the region in which medical services are provided.
49 Payment for medical expenses of the natural mother may
50 continue for no longer than sixty days following the

H-5341

-1-

H-5341

Page 2

1 birth of the child with the exception of payment for
2 one postpartum medical appointment which may be at any
3 time following the birth of the child.

4 2. A financial affidavit shall be signed by the
5 natural parent to be attached to the petition for
6 termination of parental rights which includes
7 information regarding any payments made in connection
8 with the release of custody of a child. The affidavit
9 shall include a statement that the natural parent has
10 not received any payment of expenses which are not
11 allowed under this section.

12 3. An adoption petitioner shall submit a financial
13 affidavit with the petition for adoption which
14 includes information regarding any payments made in
15 connection with the placement of the child. The
16 affidavit shall include a statement that the adoption
17 petitioner has not provided any payment for expenses
18 which are not allowed under this section.

19 4. If a natural parent receives any prohibited
20 thing of value, if a person gives a prohibited thing
21 of value, or if a person charges a prohibited fee
22 under this section, the person commits a class "C"
23 felony pursuant to section 710.11.

24 5. The provisions of this section do not apply to
25 a stepparent adoption."

By JOCHUM of Dubuque

H-5341 FILED MARCH 14, 1994

*Rest 3-16-94
(P. 659)*

HOUSE FILE 2377

H-5342

1 Amend House File 2377 as follows:

2 1. Page 2, by inserting after line 13 the
3 following:

4 "Sec. ____ . NEW SECTION. 514C.10 COVERAGE FOR
5 ADOPTED CHILD.

6 1. DEFINITIONS. For purposes of this section,
7 unless the context otherwise requires:

8 a. "Child" means, with respect to an adoption or a
9 placement for adoption of the child, an individual who
10 has not attained age eighteen as of the date of the
11 issuance of a final adoption decree, or upon an
12 interlocutory adoption decree becoming a final
13 adoption decree, as provided in chapter 600, or as of
14 the date of the placement for adoption.

15 b. "Placement for adoption" means the assumption
16 of a legal obligation for the total or partial support
17 of the child in anticipation of the adoption of the
18 child. The child's placement with a person terminates
19 upon the termination of such legal obligation.

20 2. COVERAGE REQUIRED. A policy or contract
21 providing for third-party payment or prepayment of
22 health or medical expenses shall provide coverage
23 benefits to a dependent child adopted by, or placed
24 for adoption with, an insured or enrollee under the
25 same terms and conditions as apply to a natural,
26 dependent child of the insured or enrollee. The
27 issuer of the policy or contract shall not restrict
28 coverage under the policy or contract for a dependent
29 child adopted by, or placed for adoption with, the
30 insured or enrollee solely on the basis of a
31 preexisting condition of such dependent child at the
32 time that the child would otherwise become eligible
33 for coverage under the plan, if the adoption or
34 placement occurs while the insured or enrollee is
35 eligible for coverage under the policy or contract.
36 This section applies to the following classes of
37 third-party payment provider contracts or policies
38 delivered, issued for delivery, continued, or renewed
39 in this state on or after July 1, 1994:

40 a. Individual or group accident and sickness
41 insurance providing coverage on an expense-incurred
42 basis.

43 b. An individual or group hospital or medical
44 service contract issued pursuant to chapter 509, 514,
45 or 514A.

46 c. An individual or group health maintenance
47 organization contract regulated under chapter 514B.

48 d. An individual or group medicare supplemental
49 policy, unless coverage pursuant to such policy is
50 preempted by federal law."

H-5342

-1-

H-5342

Page 2

2. By renumbering as necessary.

By JOCHUM of Dubuque

5342 FILED MARCH 14, 1994

WITHDRAWN
3-16-94
(P.655)

HOUSE FILE 2377

H-5343

1 Amend House File 2377 as follows:

2 1. Page 5, line 7, by striking the word
3 "subsection" and inserting the following:
4 "subsections".

5 2. Page 5, by inserting after line 7, the
6 following:

7 "NEW SUBSECTION. 3A. "Counseling" means the
8 provision of unbiased adoption-related information by
9 a counselor to a natural parent following the birth of
10 the child and prior to the signing of a release of
11 custody or prior to the filing of a petition for the
12 termination of parental rights. Counseling may also
13 include information which may be provided prior to the
14 birth of the child or following placement of the
15 child. Counseling which is provided following the
16 birth of the child and prior to the signing of a
17 release of custody or prior to the filing of a
18 petition for termination of parental rights shall
19 include but is not limited to all of the following:

20 a. An explanation and consideration of the
21 alternatives to adoption which are available to the
22 natural parent to assist the natural parent in
23 determining the best course of action.

24 b. Detailed information regarding the adoption
25 process including a review and written description of
26 the procedure.

27 c. A thorough explanation and consideration of the
28 legal and personal impact of termination of parental
29 rights and of adoption.

30 d. An explanation of informed consent regarding a
31 release of custody and a petition for the termination
32 of parental rights.

33 e. An explanation and assistance in the completion
34 of a medical and social history form.

35 NEW SUBSECTION. 3B. "Counselor" means a person
36 who is trained and qualified pursuant to the rules
37 adopted by the Iowa department of public health in
38 adoption-related counseling and who provides the
39 counseling to a natural parent following the birth of
40 the child and prior to the signing of the release of
41 custody or prior to the filing of a petition for the
42 termination of parental rights and who is at least one
43 of the following:

44 a. A staff member or service worker of an agency.

45 b. A licensed or certified counselor employed by a
46 mental health or family service agency which provides
47 similar counseling.

48 c. A social worker licensed pursuant to chapter
49 154C.

50 d. A staff member of a hospital designated by the

H-5343

H-5343

Page 2

1 hospital to provide adoption-related counseling."

3. By striking page 6, line 10 through page 7,
line 8, and inserting the following:

4 "NEW PARAGRAPH. d. (1) Shall be preceded by the
5 offering of the provision of a minimum of three hours
6 of counseling as defined in section 600A.2 to the
7 natural parent seeking release of custody of the
8 child. The counseling shall be provided only by a
9 counselor as defined in section 600A.2 who is also
10 qualified pursuant to the rules adopted by the Iowa
11 department of public health which shall include but
12 are not limited to a requirement of the completion of
13 a minimum number of hours of training in adoption-
14 related counseling approved by the Iowa department of
15 public health in cooperation with the department of
16 human services and child-placing agencies. The rules
17 shall also provide that the training requirements may
18 be waived if the individual has a minimum level of
19 experience in the provision of adoption-related
20 counseling as determined by rule of the Iowa
21 department of public health.

22 (2) The custodian of the child shall make every
23 reasonable effort to locate any natural parent of the
24 child in order to provide the counseling.

25 (3) The release of custody shall be accompanied by
26 an affidavit signed by the natural parents in the
27 presence of the counselor indicating acceptance or
28 refusal of counseling services, a written report
29 prepared by the counselor which summarizes the results
30 of any counseling provided, documentation that the
31 counselor is qualified to provide the counseling, and
32 documentation of efforts by the custodian of the child
33 to locate any absent natural parent."

34 4. Page 7, by inserting after line 28 the
35 following:

36 "Sec. ____ . Section 600A.5, Code 1993, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 1A. a. The filing of a petition
39 for the termination of parental rights shall be
40 preceded by the offering of the provision of a minimum
41 of three hours of counseling as defined in section
42 600A.2 to the natural parent seeking release of
43 custody of the child. The counseling shall be
44 provided only by a counselor as defined in section
45 600A.2 who is also qualified pursuant to the rules
46 adopted by the Iowa department of public health which
47 shall include but are not limited to a requirement of
48 the completion of a minimum number of hours of
49 training in adoption-related counseling approved by
50 the Iowa department of public health in cooperation

H-5343

-2-

H-5343

Page 3

1 with the department of human services and child-
 2 placing agencies. The rules shall also provide that
 3 the training requirements may be waived if the
 4 individual has a minimum level of experience in the
 5 provision of adoption-related counseling as determined
 6 by rule of the Iowa department of public health.

7 b. The custodian of the child shall make every
 8 reasonable effort to locate any natural parent of the
 9 child in order to provide the counseling.

10 c. The petition for termination of parental rights
 11 shall be accompanied by an affidavit signed by the
 12 natural parents in the presence of the counselor
 13 indicating acceptance or refusal of counseling
 14 services, a written report prepared by the counselor
 15 which summarizes the results of any counseling
 16 provided, documentation that the counselor is
 17 qualified to provide the counseling, and documentation
 18 of efforts by the custodian of the child to locate any
 19 absent natural parent. If the natural parents have
 20 received counseling at the time of the filing of the
 21 release of custody, the offering of additional
 22 counseling is not required at the time prior to the
 23 filing of the petition for termination of parental
 24 rights."

25 5. By renumbering as necessary.

By JOCHUM of Dubuque

H-5343 FILED MARCH 14, 1994

LET 3 16-94 (P. 663)

HOUSE FILE 2377

H-5344

1 Amend House File 2377 as follows:
 2 1. Page 7, by inserting after line 28 the
 3 following:
 4 "Sec. ____ . Section 600A.6, Code 1993, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 4. The petition for the
 7 termination of parental rights shall be accompanied by
 8 a notarized affidavit, signed by the natural mother of
 9 the child, which identifies the natural father or any
 10 person whom the natural mother believes to be the
 11 natural father of the child."

By JOCHUM of Dubuque

H-5344 FILED MARCH 14, 1994

WITHDRAWN

3.16-94

(P. 673)

HOUSE FILE 2377

5346

Amend House File 2377 as follows:

- 2 1. Page 9, by inserting after line 12 the
 3 following:
 4 "Sec. . . . Section 600A.9, subsection 2, Code
 5 1993, is amended to read as follows:
 6 2. If an order is issued under subsection 1,
 7 paragraph "b" of this section, the juvenile court
 8 shall retain jurisdiction to change a guardian or
 9 custodian and to allow a terminated parent to request
 10 vacation or appeal of the termination order ~~if the~~
 11 ~~child is not on placement for adoption or a petition~~
 12 ~~for adoption of the child is not on file~~ within ten
 13 days of issuance of the granting of the order. The
 14 period for request for vacation or appeal shall not be
 15 waived or extended. The juvenile court shall grant
 16 the vacation request only if it is in the best
 17 interest of the child. The supreme court shall
 18 prescribe rules to establish a period of ten days,
 19 which shall not be waived or extended, in which a
 20 terminated parent may request a vacation or appeal of
 21 a termination order."
 22 2. By renumbering as necessary.

By JOCHUM of Dulque

H-5346 FILED MARCH 14, 1994

WITHDRAWN 3-16-94 (P. 668)

HOUSE FILE 2377

H-5347

1 Amend House File 2377 as follows:

- 2 1. Page 7, line 22, by inserting after the word
 3 "adopted." the following: "The existence of this
 4 report does not limit a person's ability to petition
 5 the court for release of records in accordance with
 6 other provisions of law."

By BEATTY of Warren

H-5347 FILED MARCH 14, 1994

adopted 3-16-94
(P. 665)

HOUSE FILE 2377

H-5348

1 Amend House File 2377 as follows:
 2 1. Page 8, line 32, by striking the word "(OR)"
 3 and inserting the following: "(AND)".
 4 2. Page 9, by inserting after line 6, the
 5 following:
 6 "You are notified that if you wish to retain your
 7 rights with respect to this child, you must file a
 8 declaration of paternity in the above numbered court
 9 case within twenty days of the birth of the child. If
 10 you do not file such a declaration, whatever legal
 11 rights you have with respect to this child will be
 12 terminated without further notice to you and you will
 13 not be entitled to notice of any proceeding instituted
 14 for the adoption of the child."

By DODERER of Johnson

H-5348 FILED MARCH 14, 1994

Adopted 3-16-94 P. 668

HOUSE FILE 2377

H-5287

1 Amend House File 2377 as follows:
 2 1. Page 9, line 15, by striking the figure "1."
 3 2. Page 9, by striking lines 19 through 21.
 4 3. Title page, line 3, by striking the word
 5 "penalties" and inserting the following: "a penalty".

By DINKLA of Guthrie
KREIMAN of Davis

DODERER of Polk
CARPENTER of Polk

H-5287 FILED MARCH 10, 1994

Lost 3-16-94 (P. 668)

HOUSE FILE 2377

H-5288

1 Amend House File 2377 as follows:
 2 1. Page 9, by striking lines 15 through 18.
 3 2. Page 9, line 19, by striking the figure "2."
 4 3. Title page, line 3, by striking the word
 5 "penalties" and inserting the following: "a penalty".

By DINKLA of Guthrie
KREIMAN of Davis
DODERER of Polk

CARPENTER of Polk
BELL of Jasper

H-5288 FILED MARCH 10, 1994

Lost 3-16-94 3-16-94 (P. 669)

HOUSE FILE 2377

5349

Amend House File 2377 as follows:

1. Page 7, by striking lines 16 through 22.

2. Page 7, by inserting after line 22 the following:

"Sec. ____ . NEW SECTION. 600A.4A BACKGROUND

INFORMATION REGARDING MINOR ONGOING REQUIREMENT.

1. At the time that a release of custody is signed or at the time a petition for termination of parental rights is filed, an agency or a person making an independent placement, a counselor, or the person releasing custody or filing the petition shall provide a written report, edited to exclude the identity of a natural parent of the minor or other member of the minor's family, and containing all of the following information that is reasonably available from any natural parent, relative, guardian, custodian, or other person who has such information regarding the minor.

a. A current history of the minor's health, including an account of the minor's prenatal care, medical condition at birth, any drug or medication taken by the minor's mother during pregnancy, any subsequent medical, psychological, psychiatric, or dental examination and diagnosis, any physical, sexual, or emotional abuse suffered by the minor, and a record of any immunizations and health care received while in foster or other care.

b. An account of the health and genetic history of the minor's natural parents and other members of the minor's family, including any known disease or hereditary predisposition to disease, any addiction to drugs or alcohol, the health of the mother during pregnancy, the health of each natural parent at the child's birth, a summary of the findings of any medical, psychological, or psychiatric evaluation of each natural parent at the time of placement, and, if a natural parent is deceased, the natural parent's attained age and the cause of death.

c. A social history of the minor and the minor's family, including, but not limited to all of the following, as applicable:

(1) The minor's racial, ethnic, and religious background, and a general description of the minor's natural parents.

(2) An account of the minor's past and existing relationship with any relative, stepparent, foster parent, or other individual with whom the minor has regularly lived or visited.

(3) The level of educational, athletic, scientific, artistic, and vocational achievement of

5349

-1-

WITHDRAWN

H-5349

Page 2

1 members of the minor's family.

2 (4) Any criminal conviction of a natural parent
3 for a felony, any judicial order terminating the
4 parental rights of a natural parent, and any
5 proceeding in which the natural parent was alleged to
6 have abused, neglected, abandoned, or otherwise
7 mistreated the minor.

8 (5) Any information necessary to determine the
9 minor's eligibility for state or federal benefits,
10 including subsidies for adoption and other financial,
11 medical, or similar assistance.

12 d. The natural parent shall be informed that the
13 natural parent is required to provide ongoing medical
14 and social history information through the Iowa
15 department of public health as the information becomes
16 available and at least annually if additional
17 information is available. The adoptive parents shall
18 provide the current address of the adoptive parents to
19 the Iowa department of public health as necessary and,
20 upon attaining majority, the adoptive child shall
21 assume this duty. The Iowa department of public
22 health shall collect and transmit any information
23 submitted to the adoptive parents or to the adult
24 adoptee, provided that the department is reasonably
25 able to determine the location of the adoptive parents
26 or the adult adoptee.

27 e. A person who furnishes a report required by
28 this section and the court shall not disclose any
29 information upon which the report is based except as
30 otherwise provided in this section and is subject to
31 the penalties provided in section 600.16, as
32 applicable. A person who is the subject of any report
33 may bring a civil action against a person who
34 discloses the information in violation of this
35 section.

36 f. Information provided under this section shall
37 not be used as evidence in any civil or criminal
38 proceeding against a person who is the subject of the
39 information.

40 g. The department shall prescribe forms designed
41 to obtain specific information about the minor and the
42 minor's family and shall provide the forms at no
43 charge to agencies and to persons as specified in this
44 section who execute a release of custody of the minor
45 or who file a petition for terminating parental
46 rights."

47 3. By renumbering as necessary.

By JOCHUM of Dubuque

H-5349 FILED MARCH 14, 1994

WITHDRAWN

3-16-94

(P. 664)

HOUSE FILE 2377

5350

Amend House File 2377 as follows:

- 2 1. Page 2, line 21, by inserting after the word
 3 "interpretation." the following: "However, in
 4 determining the best interest of the person to be
 5 adopted and the interests of the adopting parents, any
 6 evidence of interests relating to a period of time
 7 during which the person to be adopted is placed with
 8 prospective adoptive parents and during which the
 9 placement is not in compliance with the law, adoption
 10 procedures, or any action by the court, shall not be
 11 considered in the determination."

By HANSON of Delaware

H-5350 FILED MARCH 14, 1994

*Adopted 3-16-94
(p 656)*

HOUSE FILE 2377

H-5360

1 Amend House File 2377 as follows:

- 2 1. Page 1, by striking lines 1 through 24.
 3 2. By striking page 5, line 12 through page 6,
 4 line 15.
 5 3. Page 8, by striking lines 5 through 7 and
 6 inserting the following: "paragraphs "a" and "b" or
 7 any unknown putative father, if any, except".
 8 4. By renumbering, relettering, and correcting
 9 internal references as necessary.

By HALVORSON of Webster

H-5360 FILED MARCH 14, 1994

*Lost 3-15-94**(p 636)*

HOUSE FILE 2377

H-5365

1 Amend House File 2377 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 22.7, Code Supplement 1993, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 31. Information contained in a
7 declaration of paternity completed pursuant to section
8 600A.2 and filed with the state registrar of vital
9 statistics pursuant to section 144.12A, except to the
10 extent that the information may be provided to persons
11 in accordance with section 144.12A."

12 2. Page 1, by striking lines 3 through 24, and
13 inserting the following:

14 "1. As used in this section, unless the context
15 otherwise requires:

16 a. "Child" means a person under eighteen years of
17 age for whom paternity has not been established.

18 b. "County registrar" means the clerk of the
19 juvenile court.

20 c. "Court" means the juvenile court.

21 d. "Father" means the male, biological parent of a
22 child.

23 e. "Putative father" means a man not legally
24 presumed or established as the biological father of a
25 child who claims to be or who is alleged to be the
26 father of the child.

27 f. "Registrant" means a person who has registered
28 pursuant to this section and who claims to be the
29 father of a child.

30 g. "Registrar" means the state registrar of vital
31 statistics.

32 h. "Registry" means the declaration of paternity
33 registry established in this section.

34 2. a. The registrar shall establish a declaration
35 of paternity registry to record the name, address,
36 social security number, and any other identifying
37 information required by rule of the department of a
38 putative father who wishes to register under this
39 section prior to or within twenty days of the birth of
40 a child or prior to the termination of parental rights
41 hearing, whichever is earlier.

42 b. The purpose of the registry is to protect the
43 rights of natural fathers who affirmatively assume the
44 duties of being a parent for a child as defined in
45 section 600A.1 by registering, which the registrant
46 may have fathered and to expedite the adoption of a
47 child for whom a natural father has failed to assume
48 the affirmative duty of being a parent pursuant to
49 section 600A.1. The registry does not relieve the
50 obligations of a natural mother to identify any known

H-5365

H-5365

Page 2

1 father or any person whom the natural mother believes
2 to be the father of the child.

3 c. The registry does not constitute an affidavit
4 of paternity filed pursuant to section 252A.3 and
5 declarations filed shall be maintained by the
6 registrar in a registry distinct from the registry
7 used to maintain affidavits of paternity filed
8 pursuant to section 252A.3. A declaration of
9 paternity filed with the registry may be used as
10 evidence of paternity in an action to establish
11 paternity or to determine a support obligation with
12 respect to the putative father.

13 3. A person who files a declaration of paternity
14 with the registrar or with the county registrar shall
15 include in the declaration all of the following:

16 a. The person's name, current address, social
17 security number, and any other identifying information
18 requested by the department. If the person filing the
19 declaration of paternity changes the person's address,
20 the person shall notify the registrar of the new
21 address in a manner prescribed by the department.

22 b. The name, last known address, and social
23 security number, if known, of the mother of the child,
24 or any other identifying information requested by the
25 state registrar.

26 c. The name of the child, if known, and the date
27 and location of the birth of the child, if known.

28 d. The registry may accept the information prior
29 to the birth of the child or within twenty days of the
30 birth of the child or prior to the termination of
31 parental rights hearing, which is earlier. The
32 registrar shall not accept a declaration of paternity
33 after twenty days from the date of the birth of the
34 child or after the termination of parental rights
35 hearing, whichever is earlier.

36 e. If the putative father registers with the
37 county registrar, the county registrar shall record
38 and transmit the declaration of paternity immediately
39 to the registrar or within an appropriate time as
40 established by the department.

41 f. The registrar shall forward a copy of the
42 declaration to the mother as notification that the
43 person has registered with the registry.

44 g. The registrar or the county registrar shall
45 accept and immediately register, upon receipt, a
46 declaration of paternity without a fee and without the
47 signature of the natural mother. The registrar may
48 charge a reasonable fee as established by rule of the
49 department for processing searches of the registry.

50 4. The department shall, upon request, provide the

H-5365

-2-

H-5365

Page 3

1 name, address, social security number, and any other
 2 identifying information of a person listed on the
 3 registry to a court, the department of human services,
 4 the attorney of any party to an adoption, termination
 5 of parental rights, or establishment of paternity or
 6 support action, or to the child support recovery unit
 7 for an action to establish paternity or support. The
 8 information shall not be divulged to any other person
 9 and shall be considered a confidential record as to
 10 any other person, except upon order of the court for
 11 good cause shown. If the registry has not received a
 12 declaration of paternity, the department shall provide
 13 a written statement to that effect to the person
 14 making the inquiry.

15 5. a. Any person who registers as the putative
 16 father of a child who knowingly misrepresents the
 17 person as the putative father of the child, is guilty
 18 of a serious misdemeanor.

19 b. Any person who intentionally releases
 20 information from the registry in violation of this
 21 section is guilty of a simple misdemeanor.

22 6. a. Information provided to the registry may be
 23 revoked by the registrant by submission of a written
 24 statement signed and acknowledged by the registrant
 25 before a notary public.

26 b. The statement shall include a declaration that
 27 to the best of the registrant's knowledge, the
 28 registrant is not the father of the named child or
 29 that paternity of the true father has been established

30 c. Revocation shall be deemed a nullity and the
 31 information provided by the registrant shall be
 32 expunged.

33 d. Revocation is effective only following the
 34 birth of the child.

35 7. The department shall adopt rules necessary to
 36 implement and administer this section."

37 3. Page 6, line 2, by striking the words "public
 38 record" and inserting the following: "confidential
 39 record pursuant to section 22.7".

40 4. By renumbering as necessary.

By JOCHUM of Dubuque

H-5365 FILED MARCH 14, 1994

Adopted
3-15-94 (P 635)
Motion to R/c
3-16-94
Motion to R/c Lost 3-16-94

HOUSE FILE 2377

400

Amend the amendment, H-5325, to House File 2377 as follows:
1. Page 1, by inserting after line 16 the following:
"_____. By striking page 2, line 34 through page 3, line 2."

By MORELAND of Wapello

H-5400 FILED MARCH 15, 1994

(P.154) *Mrs. Harmon* 3.16-94

HOUSE FILE 2377

H-5403

Amend the amendment, H-5325, to House File 2377 as follows:
1. Page 1, by inserting after line 16 the following:
"_____. Page 7, by inserting after line 22 the following:
"NEW PARAGRAPH. g. Shall be preceded by the provision of legal counsel to the natural parents regarding the legal procedures related to and consequences of the execution of a release of custody, termination of parental rights, and adoption. The natural parents shall be advised that if they are unable to afford legal counsel, legal counsel will be appointed for them by the court at no cost to the natural parents. The person providing legal counsel shall attach an affidavit to the release of custody form which certifies that the natural parents were provided legal counsel prior to the signing of the release of custody."
_____. Page 9, by inserting after line 12 the following:
"Sec. _____. NEW SECTION. 600A.6A RIGHT TO AND APPOINTMENT OF COUNSEL.
A person who wishes to execute a release of custody shall have the right to counsel prior to the execution of the release and a person who files a petition for termination of parental rights shall have the right to counsel in connection with all subsequent hearings and proceedings. If the person desires but is financially unable to employ counsel, the court shall appoint counsel."
2. By renumbering as necessary.

By HOLVECK of Polk
CARPENTER of Polk
HAMMOND of Story

H-5403 FILED MARCH 15, 1994

WITHDRAWN

HOUSE FILE 2377

H-5374

- 1 Amend House File 2377 as follows:
- 2 1. Page 7, line 25, by striking the word
- 3 "seventy-two" and inserting the following: "seventy-
- 4 two" one hundred twenty".
- 5 2. Page 7, line 27, by striking the word
- 6 "seventy-two" and inserting the following: "one
- 7 hundred twenty".
- 8 3. Page 9, line 15, by striking the figure "1."
- 9 4. Page 9, by striking lines 19 through 21.
- 10 5. Title page, line 3, by striking the word
- 11 "penalties" and inserting the following: "a penalty".
- 12 6. By renumbering, relettering, and correcting
- 13 internal references as necessary.

By DODERER of Johnson
 CARPENTER of Polk
 GREINER of Washington

H-5374 FILED MARCH 15, 1994

A. adopted 3-16-94 (p.666)

B.

H-5287 LOST
 Placing H5374
 now out
 of order
 3-16-94
 (p.668)

HOUSE FILE 2377

404

Amend the amendment, H-5340, to House File 2377 as follows:

1. Page 1, by striking lines 2 and 3 and inserting the following:
- " . Page 3, by striking line 2 and inserting the following: "person is guilty of a simple misdemeanor.""

By McNEAL of Hardin

H-5404 FILED MARCH 15, 1994

Adopted 3-16-94 (p669)

HOUSE FILE 2377

H-5409

Amend House File 2377 as follows:

1. Page 7, by inserting after line 22 the following:
 - "NEW PARAGRAPH. g. Shall be preceded by the provision of legal counsel to the natural parents regarding the legal procedures related to and consequences of the execution of a release of custody, termination of parental rights, and adoption. The natural parents shall be advised that if they are unable to afford legal counsel, legal counsel will be appointed for them by the court at no cost to the natural parents. The person providing legal counsel shall attach an affidavit to the release of custody form which certifies that the natural parents were provided legal counsel prior to the signing of the release of custody."
2. Page 9, by inserting after line 12 the following:
 - "Sec. . NEW SECTION. 600A.6A RIGHT TO AND APPOINTMENT OF COUNSEL.
 - A person who wishes to execute a release of custody shall have the right to counsel prior to the execution of the release and a person who files a petition for termination of parental rights shall have the right to counsel in connection with all subsequent hearings and proceedings. If the person desires but is financially unable to employ counsel, the court shall appoint counsel."
3. By renumbering as necessary.

By HOLVECK of Polk
 CARPENTER of Polk
 HAMMOND of Story

H-5409 FILED MARCH 15, 1994

Lost 3 16-94 (p665)

HOUSE FILE 2377

H-5377

1 Amend the amendment, H-5339, to House File 2377 as
2 follows:

3 1. Page 1, by striking lines 2 through 21 and
4 inserting the following:

5 "_____. By striking page 7, line 29 through page 9,
6 line 12.

7 "_____. By renumbering as necessary."

By HALVORSON of Webster

H-5377 FILED MARCH 15, 1994

*ext of Order 3-15-94
(P 635)*

HOUSE FILE 2377

H-5378

1 Amend the amendment, H-5344, to House File 2377 as
2 follows:

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

5 "_____. Page 7, by inserting after line 22 the
6 following:

7 "NEW PARAGRAPH. g. Shall be accompanied by a
8 notarized affidavit, signed by the natural mother of
9 the child, which identifies the natural father or any
10 person whom the natural mother believes to be the
11 natural father of the child.""

By JOCHUM of Dubuque

H-5378 FILED MARCH 15, 1994

ext of order 3-16-94 (P 673)

HOUSE FILE 2377

H-5379

1 Amend the amendment, H-5365, to House File 2377 as
2 follows:

3 1. Page 2, line 31, by striking the word "which"
4 and inserting the following: "whichever".

5 2. Page 3, line 29, by striking the word
6 "established" and inserting the following:
7 "established."

By JOCHUM of Dubuque

H-5379 FILED MARCH 15, 1994

ADOPTED

HOUSE FILE 2377

398

Amend the amendment, H-5325, to House File 2377 as follows:

1. Page 1, by inserting after line 16 the following:

"____. Page 3, by striking lines 1 and 2 and inserting the following: "person charges a prohibited fee under this subsection, each person is guilty of a serious misdemeanor. Upon identifying the charging of a prohibited fee, the court shall refer the information to the appropriate law enforcement and regulatory entities and may also consider whether a new determination of the child's best interest is necessary.""

WITHDRAWN

By GRUNDBERG of Polk

H-5398 FILED MARCH 15, 1994

3-16-94 p655
 WITHDRAWN
 HOUSE FILE 2377

H-5399

Amend the amendment, H-5334, to House File 2377 as follows:

1. Page 1, by inserting after line 1 the following:

"____. Page 7, by inserting after line 28 the following:

"Sec. ____ . Section 600A.4, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. An agency or a person making an independent placement who assumes custody or accepts a release of custody under this section shall not place the child, for whom a release of custody has been executed, with a person who in any way intends to adopt the child who is the subject of the release, prior to the completion of the termination of parental rights hearing. An agency or a person making an independent placement who assumes custody or accepts a release of custody under this section, who is unable to remain as custodian of the child following execution of the release of custody and prior to the completion of the termination of parental rights hearing, shall place the child in child foster care."

2. By renumbering as necessary.

By BERNAU of Story

H-5399 FILED MARCH 15, 1994

Not German 3-16-94
 (P667)

HOUSE FILE 2377

H-5400

1 Amend the amendment, H-5325, to House File 2377 as
 2 follows:
 3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "_____. By striking page 2, line 34 through page 3,
 6 line 2."

By MORELAND of Wapello

H-5400 FILED MARCH 15, 1994

Not Harmonic 3/11/94

HOUSE FILE 2377

H-5403

1 Amend the amendment, H-5325, to House File 2377 as
 2 follows:
 3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "_____. Page 7, by inserting after line 22 the
 6 following:
 7 "NEW PARAGRAPH. g. Shall be preceded by the
 8 provision of legal counsel to the natural parents
 9 regarding the legal procedures related to and
 10 consequences of the execution of a release of custody,
 11 termination of parental rights, and adoption. The
 12 natural parents shall be advised that if they are
 13 unable to afford legal counsel, legal counsel will be
 14 appointed for them by the court at no cost to the
 15 natural parents. The person providing legal counsel
 16 shall attach an affidavit, to the release of custody
 17 form which certifies that the natural parents were
 18 provided legal counsel prior to the signing of the
 19 release of custody."

20 _____ Page 9, by inserting after line 12 the
 21 following:

22 "Sec. _____. NEW SECTION. 600A.6A RIGHT TO AND
 23 APPOINTMENT OF COUNSEL.

24 A person who wishes to execute a release of custody
 25 shall have the right to counsel prior to the execution
 26 of the release and a person who files a petition for
 27 termination of parental rights shall have the right to
 28 counsel in connection with all subsequent hearings and
 29 proceedings. If the person desires but is financially
 30 unable to employ counsel, the court shall appoint
 31 counsel."

32 2. By renumbering as necessary.

By HOLVECK of Polk
 CARPENTER of Polk
 HAMMOND of Story

H-5403 FILED MARCH 15, 1994

Withdrawn 3/16/94

HOUSE FILE 2377

H-5384

1 Amend the amendment, H-5325, to House File 2377 as
2 follows:

3 1. Page 1, by inserting after line 16, the
4 following:

5 "____. Page 2, by inserting after line 13, the
6 following:

7 "Sec. ____ . NEW SECTION. 238.43B PREFERENCE IN
8 PLACEMENTS.

9 Child-placing agencies which place children for
10 adoption shall give preference in placements to the
11 grandparent of the child if the grandparent is
12 otherwise qualified and if the placement is in the
13 best interest of the child."

14 ____ . Page 2, by inserting after line 21, the
15 following:

16 "Sec. ____ . Section 600.8, Code 1993, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 13. Preference shall be given, by
19 an investigator, to an adoption petitioner who is the
20 grandparent of the child if the grandparent is
21 otherwise qualified and if the placement is in the
22 best interest of the child."

23 ____ . Page 4, by inserting after line 1, the
24 following:

25 "Sec. ____ . Section 600.13, Code 1993, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 1A. Preference shall be given, by
28 the court, to an adoption petitioner who is the
29 grandparent of the child if the grandparent is
30 otherwise qualified and if the placement is in the
31 best interest of the child.""

By GILL of Woodbury

H-5384 FILED MARCH 15, 1994
WITHDRAWN

HOUSE FILE 2377

H-5387

1 Amend the amendment, H-5340, to House File 2377 as
2 follows:

3 1. Page 1, line 3 by inserting after the word
4 "felony." the following: "Upon identifying the
5 charging of a prohibited fee, the court shall refer
6 the information to the appropriate law enforcement and
7 regulatory entities and may also consider whether a
8 new determination of the child's best interest is
9 necessary.""

By McNEAL of Hardin

H-5387 FILED MARCH 15, 1994

WITHDRAWN

3-16-94

(p. 662)

HOUSE FILE 2377

H-5388

1 Amend the amendment, H-5325, to House File 2377 as
2 follows:

3 1. Page 1, line 6, by striking the word "shall"
4 and inserting the following: "may".

5 2. Page 1, line 7, by striking the word "all" and
6 inserting the following: "any".

7 3. Page 1, line 16, by striking the word
8 "requires" and inserting the following: "may
9 require".

By DINKLA of Guthrie

H-5388 FILED MARCH 15, 1994
ADOPTED

HOUSE FILE 2377

H-5389

1 Amend the amendment, H-5341, to House File 2377 as
2 follows:

3 1. Page 1, by striking line 21 and inserting the
4 following: "to exceed an amount which is equivalent
5 to".

By JOCHUM of Dubuque

H-5389 FILED MARCH 15, 1994

*adopted 3-16-94
(p. 659)*

HOUSE FILE 2377

H-5394

1 Amend the amendment, H-5340, to House File 2377 as
2 follows:

3 1. Page 1, line 25, by striking the word "shall"
4 and inserting the following: "may".

5 2. Page 1, line 40, by striking the word "shall"
6 and inserting the following: "may".

7 3. Page 1, line 44, by striking the word "shall"
8 and inserting the following: "may".

By HURLEY of Fayette

H-5394 FILED MARCH 15, 1994

*adopted
3-16-94 (p. 616)*

HOUSE FILE 2377

H-5426

- 1 Amend the amendment, H-5340, to House File 2377, as
2 follows:
3 1. Page 1, by inserting after line 6 the
4 following:
5 "_____. Page 4, by inserting after line 1 the
6 following:
7 "Sec. _____. Section 600.11, subsection 2, Code
8 1993, is amended by adding the following new
9 paragraph:
10 NEW PARAGRAPH. e. A person who has been granted
11 visitation rights with the child to be adopted
12 pursuant to section 598.35."
13 2. By renumbering as necessary.

By GILL of Woodbury

H-5426 FILED MARCH 16, 1994
ADOPTED

HOUSE FILE 2377

H-5427

- 1 Amend the amendment, H-5340, to House File 2377, as
2 follows:
3 1. Page 2, by inserting after line 17 the
4 following:
5 "_____. Page 8, line 11, by inserting after the
6 word "proceedings." the following: ""Necessary party"
7 also includes a parent of a minor child who is seeking
8 termination of the minor child's parental rights."
9 2. By renumbering as necessary.

By GILL of Woodbury

H-5427 FILED MARCH 16, 1994
WITHDRAWN

HOUSE FILE 2377

H-5428

- 1 Amend the amendment, H-5340, to House File 2377 as
2 follows:
3 1. Page 2, by inserting after line 17 the
4 following:
5 "_____. Page 9, line 20, by striking the word
6 "seventy-two-hour" and inserting the following: "one
7 hundred twenty-four."
8 2. By renumbering as necessary.

By HALVORSON of Webster

H-5428 FILED MARCH 16, 1994
ADOPTED

HOUSE FILE 2377

H-5429

- 1 Amend amendment H-5337, to House File 2377 as
2 follows:
3 1. Page 2, line 1, by striking the word "in".
4 2. Page 2, by striking lines 2 and 3, and
5 inserting the following: "In addition, a".

By HAMMOND of Story

H-5429 FILED MARCH 16, 1994
ADOPTED BY UNANIMOUS CONSENT

HOUSE FILE 2377

H-5415

1 Amend the amendment, H-5325, to House File 2377 as
2 follows:
3 1. Page 1, by inserting after line 16 the
4 following:
5 "_____. Page 7, by inserting after line 22 the
6 following:
7 "NEW PARAGRAPH. g. Shall be preceded by the
8 offering of legal counsel to the natural parents
9 regarding the legal procedures related to and
10 consequences of the execution of a release of custody,
11 termination of parental rights, and adoption. The
12 natural parents shall be advised that if they are
13 unable to afford legal counsel, legal counsel will be
14 appointed for them by the court at no cost to the
15 natural parents. The person who informs the natural
16 parents of their right to legal counsel or the person
17 providing legal counsel shall attach an affidavit to
18 the release of custody form which certifies that the
19 natural parents were offered legal counsel and have
20 refused legal counsel or have been provided legal
21 counsel prior to the signing of the release of
22 custody."
23 _____ Page 9, by inserting after line 12 the
24 following:
25 "Sec. ____. NEW SECTION. 600A.6A RIGHT TO AND
26 APPOINTMENT OF COUNSEL.
27 A person who wishes to execute a release of custody
28 shall have the right to counsel prior to the execution
29 of the release and a person who files a petition for
30 termination of parental rights shall have the right to
31 counsel in connection with all subsequent hearings and
32 proceedings. If the person desires but is financially
33 unable to employ counsel, the court shall appoint
34 counsel."
35 2. By renumbering as necessary.

By HOLVECK of Polk
CARPENTER of Polk
HAMMOND of Story

H-5415 FILED MARCH 16, 1994
WITHDRAWN

HOUSE FILE 2377

H-5416

1 Amend the amendment, H-5341, to House File 2377 as
2 follows:
3 1. Page 2, by striking lines 22 and 23 and
4 inserting the following: "under this section, the
5 person is guilty of a simple misdemeanor."
By McNEAL of Hardin

H-5416 FILED MARCH 16, 1994
ADOPTED

HOUSE FILE 2377

H-5417

1 Amend the amendment, H-5365, to House File 2377 as
2 follows:
3 1. Page 1, line 41, by striking the word
4 "earlier" and inserting the following: "later".
5 2. Page 2, line 31, by striking the word
6 "earlier" and inserting the following: "later".
7 3. Page 2, line 35, by striking the word
8 "earlier" and inserting the following: "later".
9 4. Page 3, by inserting after line 36 the
10 following:
11 "____". Page 5, line 26, by striking the word
12 "earlier" and inserting the following: "later".
13 5. Page 6, line 1, by striking the word
14 "earlier" and inserting the following: "later".
15 6. Page 3, by inserting after line 39 the
16 following:
17 "____". Page 6, line 5, by striking the word
18 "earlier" and inserting the following: "later".
19 7. Page 6, line 15, by striking the word
20 "earlier" and inserting the following: "later".

By HALVORSON of Webster

H-5417 FILED MARCH 16, 1994
OUT OF ORDER

HOUSE FILE 2377

H-5418

1 Amend the amendment, H-5365, to House File 2377, as
2 follows:
3 1. Page 1, line 39, by striking the word "twenty"
4 and inserting the following: "sixty".
5 2. Page 2, line 29, by striking the word "twenty"
6 and inserting the following: "sixty".
7 3. Page 2, line 33, by striking the word "twenty"
8 and inserting the following: "sixty".
9 4. Page 3, by inserting after line 36 the
10 following:
11 "____". Page 5, line 25, by striking the word
12 "twenty" and inserting the following: "sixty".
13 5. Page 5, line 34, by striking the word
14 "twenty" and inserting the following: "sixty".
15 6. Page 3, by inserting after line 39 the
16 following:
17 "____". Page 6, line 3, by striking the word
18 "twenty" and inserting the following: "sixty".
19 7. Page 6, line 13, by striking the word
20 "twenty" and inserting the following: "sixty".
21 8. By renumbering as necessary.

By MORELAND of Wapello

H-5418 FILED MARCH 16, 1994
OUT OF ORDER

HOUSE FILE 2377

H-5422

1 Amend the amendment, H-5409, to House File 2377 as
2 follows:

3 1. Page 1, by striking lines 23 through 26 and
4 inserting the following: "of the release. If the
5 person desires but is financially".

By HOLVECK of Polk

H-5422 FILED MARCH 16, 1994
ADOPTED

HOUSE FILE 2377

H-5424

1 Amend the amendment, H-5337, to House File 2377 as
2 follows:

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

5 "_____. Page 1, by inserting after line 24 the
6 following:

7 "Sec. _____. NEW SECTION. 146.3 COUNSELING --
8 REQUIRED PRIOR TO PERFORMANCE OF ABORTION.

9 Prior to the performance of an abortion on a
10 pregnant woman, the woman shall be provided with
11 counseling regarding the performance of an abortion.
12 For the purposes of this section, "counselor" means a
13 psychologist licensed pursuant to chapter 154B, a
14 psychiatrist licensed pursuant to chapter 148, a
15 social worker licensed pursuant to chapter 154C, or a
16 person ordained or designated as a leader of a
17 religious faith.""

18 2. By renumbering as necessary.

By McCOY of Polk

H-5424 FILED MARCH 16, 1994
WITHDRAWN

HOUSE FILE 2377

H-5425

1 Amend the amendment, H-5340, to House File 2377 as
2 follows:

3 1. Page 2, by inserting after line 17 the
4 following:

5 "____. Page 7, by inserting after line 22 the
6 following:

7 "NEW PARAGRAPH. g. Shall be preceded by the
8 offering of legal counsel to the natural parents
9 regarding the legal procedures related to and
10 consequences of the execution of a release of custody,
11 termination of parental rights, and adoption. The
12 natural parents shall be advised that if they are
13 unable to afford legal counsel, legal counsel will be
14 appointed for them by the court at no cost to the
15 natural parents. The person who informs the natural
16 parents of their right to legal counsel or the person
17 providing legal counsel shall attach an affidavit to
18 the release of custody form which certifies that the
19 natural parents were offered legal counsel and have
20 refused legal counsel or have been provided legal
21 counsel prior to the signing of the release of
22 custody."

23 ____: Page 9, by inserting after line 12 the
24 following:

25 "Sec. ____ . NEW SECTION. 600A.6A RIGHT TO AND
26 APPOINTMENT OF COUNSEL.

27 A person who wishes to execute a release of custody
28 shall have the right to counsel prior to the execution
29 of the release. If the person desires but is
30 financially unable to employ counsel, the court shall
31 appoint counsel.""

32 2. By renumbering as necessary.

By HOLVECK of Polk

H-5425 FILED MARCH 16, 1994
WITHDRAWN

(P.856) 3/28/94 Senate - Amend/Do Pass
w/s- 5305

CORRECTED COPY OF HOUSE FILE 2377

HOUSE FILE 2377
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2201)

(As Amended and Passed by the House March 16, 1994)

Passed House, (P.1600) Date <u>4/14/94</u>	Passed Senate, (P.1088) Date <u>4-7-94</u>
Vote: Ayes <u>97</u> Nays <u>0</u>	Vote: Ayes <u>50</u> Nays <u>0</u>
Approved <u>May 12, 1994</u>	<u>Passed 4-14-94</u> <u>Vote 49-0</u>

A BILL FOR

P.1248

1 An Act relating to termination of parental rights and adoption
 2 procedures, providing for applicability of the Act, providing
 3 penalties, and providing an effective date and an
 4 applicability provision.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

House Amendments _____

1 Section 1. Section 22.7, Code Supplement 1993, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 31. Information contained in a
4 declaration of paternity completed pursuant to section 600A.2
5 and filed with the state registrar of vital statistics
6 pursuant to section 144.12A, except to the extent that the
7 information may be provided to persons in accordance with
8 section 144.12A.

9 Sec. 2. NEW SECTION. 144.12A DECLARATION OF PATERNITY
10 REGISTRY.

11 1. As used in this section, unless the context otherwise
12 requires:

13 a. "Child" means a person under eighteen years of age for
14 whom paternity has not been established.

15 b. "County registrar" means the clerk of the juvenile
16 court.

17 c. "Court" means the juvenile court.

18 d. "Father" means the male, biological parent of a child.

19 e. "Putative father" means a man not legally presumed or
20 established as the biological father of a child who claims to
21 be or who is alleged to be the father of the child.

22 f. "Registrant" means a person who has registered pursuant
23 to this section and who claims to be the father of a child.

24 g. "Registrar" means the state registrar of vital
25 statistics.

26 h. "Registry" means the declaration of paternity registry
27 established in this section.

28 2. a. The registrar shall establish a declaration of
29 paternity registry to record the name, address, social
30 security number, and any other identifying information
31 required by rule of the department of a putative father who
32 wishes to register under this section prior to or within
33 twenty days of the birth of a child or prior to the
34 termination of parental rights hearing, whichever is earlier.

35 b. The purpose of the registry is to protect the rights of

1 natural fathers who affirmatively assume the duties of being a
2 parent for a child as defined in section 600A.1 by
3 registering, which the registrant may have fathered and to
4 expedite the adoption of a child for whom a natural father has
5 failed to assume the affirmative duty of being a parent
6 pursuant to section 600A.1. The registry does not relieve the
7 obligations of a natural mother to identify any known father
8 or any person whom the natural mother believes to be the
9 father of the child.

10 c. The registry does not constitute an affidavit of
11 paternity filed pursuant to section 252A.3 and declarations
12 filed shall be maintained by the registrar in a registry
13 distinct from the registry used to maintain affidavits of
14 paternity filed pursuant to section 252A.3. A declaration of
15 paternity filed with the registry may be used as evidence of
16 paternity in an action to establish paternity or to determine
17 a support obligation with respect to the putative father.

18 3. A person who files a declaration of paternity with the
19 registrar or with the county registrar shall include in the
20 declaration all of the following:

21 a. The person's name, current address, social security
22 number, and any other identifying information requested by the
23 department. If the person filing the declaration of paternity
24 changes the person's address, the person shall notify the
25 registrar of the new address in a manner prescribed by the
26 department.

27 b. The name, last known address, and social security
28 number, if known, of the mother of the child, or any other
29 identifying information requested by the state registrar.

30 c. The name of the child, if known, and the date and
31 location of the birth of the child, if known.

32 d. The registry may accept the information prior to the
33 birth of the child or within twenty days of the birth of the
34 child or prior to the termination of parental rights hearing,
35 whichever is earlier. The registrar shall not accept a

1 declaration of paternity after twenty days from the date of
2 the birth of the child or after the termination of parental
3 rights hearing, whichever is earlier.

4 e. If the putative father registers with the county
5 registrar, the county registrar shall record and transmit the
6 declaration of paternity immediately to the registrar or
7 within an appropriate time as established by the department.

8 f. The registrar shall forward a copy of the declaration
9 to the mother as notification that the person has registered
10 with the registry.

11 g. The registrar or the county registrar shall accept and
12 immediately register, upon receipt, a declaration of paternity
13 without a fee and without the signature of the natural mother.
14 The registrar may charge a reasonable fee as established by
15 rule of the department for processing searches of the
16 registry.

17 4. The department shall, upon request, provide the name,
18 address, social security number, and any other identifying
19 information of a person listed on the registry to a court, the
20 department of human services, the attorney of any party to an
21 adoption, termination of parental rights, or establishment of
22 paternity or support action, or to the child support recovery
23 unit for an action to establish paternity or support. The
24 information shall not be divulged to any other person and
25 shall be considered a confidential record as to any other
26 person, except upon order of the court for good cause shown.
27 If the registry has not received a declaration of paternity,
28 the department shall provide a written statement to that
29 effect to the person making the inquiry.

30 5. a. Any person who registers as the putative father of
31 a child who knowingly misrepresents the person as the putative
32 father of the child, is guilty of a serious misdemeanor.

33 b. Any person who intentionally releases information from
34 the registry in violation of this section is guilty of a
35 simple misdemeanor.

1 6. a. Information provided to the registry may be revoked
2 by the registrant by submission of a written statement signed
3 and acknowledged by the registrant before a notary public.

4 b. The statement shall include a declaration that to the
5 best of the registrant's knowledge, the registrant is not the
6 father of the named child or that paternity of the true father
7 has been established.

8 c. Revocation shall be deemed a nullity and the
9 information provided by the registrant shall be expunged.

10 d. Revocation is effective only following the birth of the
11 child.

12 7. The department shall adopt rules necessary to implement
13 and administer this section.

14 Sec. 3. Section 232.116, subsection 1, paragraph d,
15 subparagraph (3), Code Supplement 1993, is amended to read as
16 follows:

17 (3) There is clear and convincing evidence that the
18 parents have not maintained significant and meaningful contact
19 with the child during the previous six consecutive months and
20 have made no reasonable efforts to resume care of the child
21 despite being given the opportunity to do so. For the
22 purposes of this subparagraph, "significant and meaningful
23 contact" includes but is not limited to the affirmative
24 assumption by the parents of the duties encompassed by the
25 role of being a parent. This affirmative duty, in addition to
26 financial obligations, requires continued interest in the
27 child, a genuine effort to complete the responsibilities
28 prescribed in the case permanency plan, a genuine effort to
29 maintain communication with the child, and requires that the
30 parents establish and maintain a place of importance in the
31 child's life.

32 Sec. 4. NEW SECTION. 232.168 ATTORNEY GENERAL TO
33 ENFORCE.

34 The attorney general may, on the attorney general's own
35 initiative, institute any criminal and civil actions and

1 proceedings under this division, at whatever stage of
2 placement necessary, to enforce the interstate compact on the
3 placement of children, including, but not limited to, seeking
4 enforcement of the provisions of the compact through the
5 courts of a party state. The department of human services
6 shall cooperate with the attorney general and shall refer any
7 placement or proposed placement to the attorney general which
8 may require enforcement measures.

9 Sec. 5. NEW SECTION. 238.43A CONTRACTS FOR SERVICES --
10 LIABILITY FOR COSTS.

11 An agency which enters into a contract with a referral
12 agency to provide child placement services is liable for the
13 costs of services which are paid prior to the provision of
14 services, if the services are not subsequently provided.

15 Sec. 6. Section 600.1, Code 1993, is amended to read as
16 follows:

17 600.1 CONSTRUCTION.

18 This chapter shall be construed liberally. The welfare
19 best interest of the person to be adopted shall be the
20 paramount consideration in interpreting this division.
21 However, the interests of the adopting parents shall be given
22 due consideration in this interpretation. However, in
23 determining the best interest of the person to be adopted and
24 the interests of the adopting parents, any evidence of
25 interests relating to a period of time during which the person
26 to be adopted is placed with prospective adoptive parents and
27 during which the placement is not in compliance with the law,
28 adoption procedures, or any action by the court, shall not be
29 considered in the determination.

30 Sec. 7. Section 600.9, Code 1993, is amended by striking
31 the section and inserting in lieu thereof the following:

32 600.9 REPORT OF EXPENDITURES.

33 1. a. A natural parent shall not receive any thing of
34 value as a result of the natural parent's child or former
35 child being placed with and adopted by another person, unless

1 that thing of value is an allowable expense under subsection
2 2.

3 b. Any person assisting in any way with the placement or
4 adoption of a minor person shall not charge a fee which is
5 more than usual, necessary, and commensurate with the services
6 rendered.

7 c. If the natural parent receives any prohibited thing of
8 value, if a person gives a prohibited thing of value, or if a
9 person charges a prohibited fee under this subsection, the
10 person is guilty of a simple misdemeanor.

11 2. An adoption petitioner of a minor person shall file
12 with the court, prior to the adoption hearing, a full
13 accounting of all disbursements of any thing of value paid or
14 agreed to be paid by or on behalf of the petitioner in
15 connection with the petitioned adoption. This accounting
16 shall be made by a report prescribed by the court and shall be
17 signed and verified by the petitioner. Only expenses incurred
18 in connection with the following and any other expenses
19 approved by the court are allowable:

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

21 b. Placement of the minor person with the adoption
22 petitioner and legal expenses related to the termination of
23 parental rights and adoption processes.

24 c. Pregnancy-related medical care received by the natural
25 parents or the minor person during the pregnancy or delivery
26 of the minor person and for medically necessary postpartum
27 care for the natural parent and the minor person.

28 d. Living expenses of the mother, permitted in an amount
29 not to exceed the cost of room and board or rent and food, and
30 transportation, for medical purposes only, on a common carrier
31 of persons or an ambulance, for no longer than thirty days
32 after the birth of the minor person.

33 e. Costs of the counseling provided in accordance with
34 section 600A.4, subsection 2, to the natural parents prior to
35 the release of custody and any counseling provided to the

1 natural parents for not more than sixty days after the birth
2 of the child.

3 f. Living expenses of the minor person if the minor person
4 is placed in foster care during the pendency of the
5 termination of parental rights proceedings.

6 All payments for allowable expenses shall be made to the
7 provider, if applicable, and not directly to the natural
8 parents. The provisions of this subsection do not apply in a
9 stepparent adoption.

10 Sec. 8. Section 600.11, subsection 2, Code 1993, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. e. A person who has been granted
13 visitation rights with the child to be adopted pursuant to
14 section 598.35.

15 Sec. 9. Section 600.13, subsection 4, Code 1993, is
16 amended to read as follows:

17 4. A final adoption decree terminates any parental rights,
18 including the parental rights of any putative natural parent
19 if notice has been provided in accordance with section 600A.6,
20 except those of a spouse of the adoption petitioner, existing
21 at the time of its issuance and establishes the parent-child
22 relationship between the adoption petitioner and the person
23 petitioned to be adopted. Unless otherwise specified by law,
24 such parent-child relationship shall be deemed to have been
25 created at the birth of the child.

26 Sec. 10. Section 600.14, Code 1993, is amended by adding
27 the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. The supreme court may adopt
29 rules which provide for the expediting of contested cases
30 under this chapter and chapter 600A.

31 Sec. 11. Section 600.16, Code 1993, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 2A. The provisions of this section also
34 apply to information collected pursuant to section 600A.4,
35 pertaining to the family medical history, medical and

1 developmental history, and social history of the person to be
2 adopted.

3 Sec. 12. Section 600A.1, Code 1993, is amended to read as
4 follows:

5 600A.1 CONSTRUCTION.

6 This chapter shall be construed liberally. The ~~welfare~~
7 best interest of the child subject to the proceedings of this
8 chapter shall be the paramount consideration in interpreting
9 this chapter. However, the interests of the parents of this
10 child or any natural person standing in the place of the
11 parents to this child shall be given due consideration in this
12 interpretation.

13 The best interest of a child requires that each natural
14 parent affirmatively assume the duties encompassed by the role
15 of being a parent. In determining whether a parent has
16 affirmatively assumed the duties of a parent, the court shall
17 consider, but is not limited to consideration of, the
18 fulfillment of financial obligations, demonstration of
19 continued interest in the child, demonstration of a genuine
20 effort to maintain communication with the child, and
21 demonstration of the establishment and maintenance of a place
22 of importance in the child's life. Application of this
23 chapter is limited to termination of parental rights
24 proceedings and shall not apply to actions to establish
25 paternity or to overcome established paternity.

26 Sec. 13. Section 600A.2, Code 1993, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 14A. "Putative father" means a man who is
29 alleged to be or who claims to be the biological father of a
30 child born to a woman to whom the man is not married at the
31 time of birth of the child.

32 Sec. 14. Section 600A.2, subsection 17, Code 1993, is
33 amended to read as follows:

34 17. a. "To abandon a minor child" means to permanently
35 relinquish or surrender, without reference to any particular

1 person, the parental rights, duties, or privileges inherent in
2 the parent-child relationship. The term includes both the
3 intention to abandon and the acts by which the intention is
4 evidenced. The term does not require that the relinquishment
5 or surrender be over any particular period of time with the
6 exception of the time period prescribed for compliance with
7 paragraph "b".

8 b. In reference to a putative father, the putative father
9 is presumed to have abandoned the child when the child reaches
10 twenty days of age or at the time of the holding of a
11 termination of parental rights hearing, whichever is earlier,
12 unless the putative father meets one of the following
13 conditions:

14 (1) Files a written declaration of paternity with the
15 division of records and statistics of the Iowa department of
16 public health. The division of records and statistics shall
17 accept and immediately register, upon receipt, a declaration
18 of paternity without fees and without the mother's signature,
19 if the declaration is filed within twenty days of the child's
20 birth or prior to the holding of a termination of parental
21 rights hearing, whichever is earlier. The declaration is a
22 confidential record pursuant to section 22.7. A declaration
23 of paternity shall not be accepted after twenty days from the
24 date of birth of the child or after the holding of the
25 termination of parental rights hearing, whichever is earlier.
26 A declaration of paternity filed pursuant to this section may
27 be used as evidence of paternity in an action to establish
28 paternity or to determine a support obligation with respect to
29 the putative father.

30 (2) Files a petition to establish paternity and support
31 pursuant to chapter 252A or 600B and serves notice on the
32 child's mother and forwards a copy of the petition to the
33 declaration of paternity registry created in section 144.12A
34 within twenty days of the child's birth or prior to the
35 holding of a termination of parental rights hearing, whichever

1 is earlier.

2 Sec. 15. Section 600A.4, subsection 2, Code 1993, is
3 amended by adding the following new paragraphs after paragraph
4 c and relettering the subsequent paragraphs:

5 NEW PARAGRAPH. d. Shall be preceded by the offering of a
6 minimum of three hours of counseling to the natural parents
7 regarding the decision to release custody and the alternatives
8 available to the natural parents in disposition of the child.
9 The release of custody shall contain written acknowledgment of
10 the offering of counseling to the natural parent and of
11 acceptance or refusal of the counseling. If accepted, the
12 counseling shall be provided after the birth of the child and
13 prior to the signing of a release of custody or the filing of
14 a petition for termination of parental rights. Counseling
15 shall be provided only by a person who is qualified under
16 rules adopted by the department of human services which shall
17 include a requirement that the person complete a minimum
18 number of hours of training in the area of adoption-related
19 counseling approved by the department or, in the alternative,
20 that the person has a minimum level of experience, as
21 determined by rule of the department, in the provision of
22 adoption-related counseling. The counselor shall provide an
23 affidavit, which shall be attached to the release of custody,
24 certifying that the counselor has provided the natural parent
25 with the requested counseling or that the natural parent has
26 refused counseling prior to the signing of the release of
27 custody and documentation that the person is qualified to
28 provide the requested counseling as prescribed by this
29 paragraph.

30 NEW PARAGRAPH. e. Shall contain a notice to the natural
31 parent that if a natural parent identifies the other natural
32 parent of the child and knowingly and intentionally
33 misidentifies that natural parent in the written release of
34 custody or in any document related to the termination of
35 parental rights proceedings, the natural parent providing the

1 misinformation is guilty of a serious misdemeanor.

2 NEW PARAGRAPH. f. Shall be accompanied by a report which
3 includes, to the extent available, the complete family medical
4 and social history of the person to be adopted including any
5 known genetic, metabolic, or familial disorders and the
6 complete medical and developmental history of the person to be
7 adopted, and a social history of the minor child and the minor
8 child's family but which does not disclose the identity of the
9 natural parents of the person to be adopted. The social
10 history may include but is not limited to the minor child's
11 racial, ethnic, and religious background and a general
12 description of the minor child's natural parents; an account
13 of the minor child's prior and existing relationship with any
14 relative, foster parent, or other individual with whom the
15 minor child regularly lives or whom the child regularly
16 visits; the level of educational, athletic, scientific,
17 artistic, and vocational achievement of the minor child's
18 family members; any criminal conviction of a natural parent;
19 and any information necessary to determine the minor child's
20 eligibility for state or federal benefits, including subsidies
21 for adoption and other financial, medical, or similar
22 assistance.

23 A natural parent may also provide ongoing information to
24 the adoptive parents, as additional medical or social history
25 information becomes known, by providing information to the
26 Iowa department of public health, and may provide the current
27 address of the natural parent to the department, as necessary.
28 The department shall transmit the information to the adoptive
29 parents if the address of the adoptive parents is known.

30 A person who furnishes a report required under this
31 paragraph and the court shall not disclose any information
32 upon which the report is based except as otherwise provided in
33 this section and such a person is subject of the penalties
34 provided in section 600.16, as applicable. A person who is
35 the subject of any report may bring a civil action against a

1 person who discloses the information in violation of this
2 section.

3 Information provided under this paragraph shall not be used
4 as evidence in any civil or criminal proceeding against a
5 person who is the subject of the information.

6 The department shall prescribe forms designed to obtain the
7 family medical and social history and shall provide the forms
8 at no charge to any agency or person who executes a release of
9 custody of the minor child or who files a petition for
10 termination of parental rights. The existence of this report
11 does not limit a person's ability to petition the court for
12 release of records in accordance with other provisions of law.

13 Sec. 16. Section 600A.4, subsection 2, paragraph d, Code
14 1993, is amended to read as follows:

15 d g. Shall be signed, not less than seventy-two one
16 hundred twenty hours after the birth of the child to be
17 released, by all living parents. The one hundred twenty hour
18 minimum time period requirement shall not be waived.

19 Sec. 17. Section 600A.6, subsection 1, Code 1993, is
20 amended to read as follows:

21 1. A termination of parental rights under this chapter
22 shall, unless provided otherwise in this section, be ordered
23 only after notice has been served on all necessary parties and
24 these parties have been given an opportunity to be heard
25 before the juvenile court except that notice need not be
26 served on the petitioner or on any necessary party who is
27 spouse of the petitioner. "Necessary party" means any person
28 whose name, residence, and domicile are required to be
29 included on the petition under section 600A.5, subsection 3,
30 paragraphs "a" and "b" and any putative father who files a
31 declaration of paternity pursuant to section 600A.2,
32 subsection 17, or any unknown putative father, if any, except
33 a natural parent who has been convicted of having sexually
34 abused the other natural parent while not cohabiting with that
35 parent as husband and wife, thereby producing the birth of the

1 child who is the subject of the termination proceedings.

2 Sec. 18. Section 600A.6, subsection 2, Code 1993, is
3 amended by adding the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. A person who is appointed as a
5 guardian ad litem for a minor child shall not also be the
6 attorney for any party other than the minor child in any
7 proceeding involving the minor child. The guardian ad litem
8 may make an independent investigation of the interest of the
9 child and may cause witnesses to appear before the court to
10 provide testimony relevant to the best interest of the minor
11 child.

12 Sec. 19. Section 600A.6, subsections 5 and 6, Code 1993,
13 are amended by striking the subsections and inserting in lieu
14 thereof the following:

15 5. A necessary party whose identity is known but whose
16 location or address is unknown or all unknown putative
17 fathers, if any, shall be served by published notice in the
18 form provided in this subsection. If the identity of a
19 necessary party is known but the location of the necessary
20 party is unknown, notice by publication shall also include the
21 name of the necessary party. The child's actual or expected
22 date of birth and place of birth shall also be stated in the
23 notice. Notice by publication shall be served according to
24 the rules of civil procedure relating to an original notice
25 where not inconsistent with the provisions of this section.
26 Notice by publication shall be published once a week for two
27 consecutive weeks in a medium which is reasonably expected to
28 provide notice to the necessary party, the last publication to
29 be not less than three days prior to the hearing on
30 termination of parental rights. The notice shall be
31 substantially in the following form:

32 TO: _____ (AND) ALL PUTATIVE FATHERS OF A CHILD (EXPECTED
33 TO BE) BORN ON THE _____ DAY OF _____, _____, IN
34 _____, IOWA.

35 You are notified that there is now on file in the office of

1 the clerk of court for _____ county, a petition in case
 2 number _____, which prays for a termination of your
 3 parent-child relationship to a child (expected to be) born on
 4 the _____ day of _____, _____. For further
 5 details contact the clerk's office. The petitioner's attorney
 6 is _____.

7 You are notified that if you wish to retain your rights
 8 with respect to this child, you must file a declaration of
 9 paternity in the above numbered court case within twenty days
 10 of the birth of the child. If you do not file such a
 11 declaration, whatever legal rights you have with respect to
 12 this child will be terminated without further notice to you
 13 and you will not be entitled to notice of any proceeding
 14 instituted for the adoption of the child.

15 You are notified that there will be a hearing on the peti-
 16 tion to terminate parental rights before the Iowa District
 17 Court For _____ County, at the Courthouse in _____,
 18 Iowa, at _____ .M. on the _____ day of
 19 _____, _____.

20 CLERK OF THE ABOVE COURT

21 Sec. 20. NEW SECTION. 600A.9A TERMINATION PROCEDURES --
 22 PENALTY FOR VIOLATION.

23 1. Any person who knowingly and intentionally
 24 misidentifies a natural parent in any procedure or document
 25 relating to a termination of parental rights is guilty of a
 26 serious misdemeanor.

27 2. Any person who accepts a release of custody under sec-
 28 tion 600A.4 prior to the expiration of the one hundred twenty-
 29 hour period required, is guilty of a serious misdemeanor.

30 Sec. 21. APPLICABILITY. A petition for termination of
 31 parental rights which is pending on the effective date of this
 32 Act, and relative to which notice of the termination hearing
 33 has not yet been provided pursuant to section 600A.6, is
 34 subject to sections 1, 9, 13, 14, 17, and 19 of this Act.

35 Sec. 22. EFFECTIVE DATE. This Act, being deemed of

- 1 immediate importance, takes effect upon enactment.
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

HOUSE FILE 2377

S-5306

1 Amend House File 2377 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 14 the
4 following:

5 "Sec. ____ . Section 422.9, subsection 2, paragraph
6 c, Code 1993, is amended to read as follows:
7 c. Add the amount by which expenses paid or
8 incurred in connection with the adoption of a child by
9 the taxpayer exceed three percent of the net income of
10 the taxpayer, or of the taxpayer and spouse in the
11 case of a joint return. The expenses may include
12 medical and hospital expenses of the natural mother
13 which are incident to the child's birth and are paid
14 by the taxpayer, welfare agency fees, legal fees, and
15 all other fees and costs relating to the adoption of a
16 child if the child is placed by a child-placing agency
17 licensed under chapter 238 or-by-a-person-making-an
18 independent-placement according to the provisions of
19 chapter chapters 600 and 600A and not in violation of
20 section 600.7A."

21 2. Page 5, by inserting after line 29 the
22 following:

23 "Sec. ____ . NEW SECTION. 600.7A ADOPTION THROUGH
24 INDEPENDENT PLACEMENT PROHIBITED -- PENALTY.

25 A person shall not perform an independent placement
26 of a minor for the purpose of adoption in this state.
27 All placements of minors for the purposes of adoption
28 in this state shall be performed by an agency. A
29 person who violates this section is guilty of a
30 serious misdemeanor.

31 Sec. ____ . Section 600.8, subsection 2, paragraph
32 a, Code 1993, is amended to read as follows:

33 a. A preplacement investigation and report of the
34 investigation shall be completed and the prospective
35 adoption petitioner approved for a placement by the
36 person making the investigation prior to any agency or
37 independent placement of a minor person in the
38 petitioner's home in anticipation of an ensuing
39 adoption. A report of a preplacement investigation
40 that has approved a prospective adoption petitioner
41 for a placement shall not authorize placement of a
42 minor person with that petitioner after one year from
43 the date of the report's issuance. However, if the
44 prospective adoption petitioner is a relative within
45 the fourth degree of consanguinity who has assumed
46 custody of a minor person to be adopted, a
47 preplacement investigation of this petitioner and a
48 report of the investigation may be completed at a time
49 established by the court or may be waived as provided
50 in subsection 12."

S-5306

-1-

A

S-5306

Page 2

1 3. Page 7, by inserting after line 25 the
 2 following:
 3 "Sec. ____ . Section 600.13, subsection 5, Code
 4 1993, is amended to read as follows:
 5 5. An interlocutory or a final adoption decree
 6 shall be entered with the clerk of the court. Such
 7 decree shall set forth any facts of the adoption
 8 petition which have been proven to the satisfaction of
 9 the court and any other facts considered to be
 10 relevant by the court and shall grant the adoption
 11 petition. If so designated in the adoption decree,
 12 the name of the adopted person shall be changed by
 13 issuance of that decree. The clerk of the court
 14 shall, within thirty days of issuance, deliver one
 15 certified copy of any adoption decree to the
 16 petitioner, one copy of any adoption decree to the
 17 department and any agency ~~or person making an~~
 18 ~~independent-placement~~ who placed a minor person for
 19 adoption, and one certification of adoption as
 20 prescribed in section 144.19 to the state registrar of
 21 vital statistics. Upon receipt of the certification,
 22 the state registrar shall prepare a new birth
 23 certificate pursuant to section 144.23 and deliver to
 24 the parents named in the decree and any adult person
 25 adopted by the decree a copy of the new birth
 26 certificate. The parents shall pay the fee prescribed
 27 in section 144.46. If the person adopted was born
 28 outside the state, the state registrar shall forward
 29 the certification of adoption to the appropriate
 30 agency in the state or foreign nation of birth. A
 31 copy of any interlocutory adoption decree vacation
 32 shall be delivered and another birth certificate shall
 33 be prepared in the same manner as a certification of
 34 adoption is delivered and the birth certificate was
 35 originally prepared.

A

36 4. Page 8, by inserting after line 2 the
 37 following:
 38 "Sec. ____ . NEW SECTION. 600.26 ADVERTISEMENT OF
 39 ADOPTION IN PUBLIC MEDIA PROHIBITED.
 40 1. A natural parent of a minor or a representative
 41 of a natural parent of a minor shall not advertise
 42 through any public newspaper in the state for the
 43 placement of the minor for the purposes of adoption.
 44 2. A prospective adoptive parent or a
 45 representative of a prospective adoptive parent shall
 46 not advertise through any public newspaper in the
 47 state for the placement of a minor in the prospective
 48 adoptive parent's or representative's care for the
 49 purpose of adoption.

B

50 3. For the purposes of this section, "public

S-9306

S-5306

Page 3

B

1 newspaper" means any newspaper receivable by the
2 general public including both for-profit and nonprofit
3 public newspapers.

4 4. A person who violates this section is guilty of
5 a serious misdemeanor."

6 5. Page 10, by inserting after line 1 the
7 following:

8 "Sec. ____ . Section 600A.4, subsection 2, paragraph
9 a, Code 1993, is amended to read as follows:

10 a. Shall be accepted only by an agency or-a-person
11 making-an-independent-placement."

12 6. Page 12, by inserting after line 18 the
13 following:

14 "Sec. ____ . Section 600A.4, subsection 3, Code
15 1993, is amended to read as follows:

16 3. Notwithstanding the provisions of subsection 2,
17 an agency or-a-person-making-an-independent-placement
18 may assume custody of a minor child upon the signature
19 of the one living parent who has possession of the
20 minor child if the agency or-a-person-making-an
21 independent-placement immediately petitions the
22 juvenile court designated in section 600A.5 to be
23 appointed custodian and otherwise petitions, either in
24 the same petition or within a reasonable time in a
25 separate petition, for termination of parental rights
26 under section 600A.5. Upon the custody petition, the
27 juvenile court may appoint a guardian as well as a
28 custodian."

A

29 7. By renumbering as necessary.

By LARRY MURPHY

S-5306 FILED MARCH 28, 1994

A. Withdrawn }
B. Out of Order } 4-7-94

HOUSE FILE 2377

S-5305

- 1 Amend House File 2377, as amended, passed, and
2 reprinted by the House as follows:
- 3 1. By striking page 1, line 1, through page 4,
4 line 13.
- 5 2. By striking page 9, line 12, through page 10,
6 line 1, and inserting the following: "unless the
7 putative father files a petition to establish
8 paternity and support pursuant to chapter 252A or 600B
9 and serves notice on the child's mother within twenty
10 days of the child's birth or prior to the holding of
11 the termination of parental rights hearing, whichever
12 is earlier."
- 13 3. Page 10, line 14, by inserting after the word
14 "rights" the following: "as applicable".
- 15 4. By striking page 10, line 30 through page 11,
16 line 1.
- 17 5. Page 11, line 2, by striking the letter "f"
18 and inserting the following: "e".
- 19 6. Page 11, line 12, by inserting after the word
20 "parents;" the following: "and".
- 21 7. Page 11, by striking lines 16 through 22 and
22 inserting the following: "visits."
- 23 8. Page 11, line 27, by striking the words ", as
24 necessary".
- 25 9. Page 12, by striking lines 15 through 17 and
26 inserting the following:
27 "d g. Shall be signed, not less than seventy-two
28 hours after the birth of the child to be released, by
29 all living parents. The seventy-two hour".
- 30 10. Page 12, by striking lines 30 through 32 and
31 inserting the following: "paragraphs "a" and "b", or
32 any unknown putative father, if any, except".
- 33 11. Page 13, line 32, by striking the word "AND"
34 and inserting the following: "OR".
- 35 12. Page 14, by striking lines 7 through 14.
- 36 13. Page 14, by striking lines 23 through 26.
- 37 14. Page 14, line 27, by striking the figure "2."
38 15. Page 14, line 28 by striking the words "one
39 hundred twenty-" and inserting the following:
40 "seventy-two-".
- 41 16. By striking page 14, line 30 through page 15,
42 line 1, and inserting the following:
43 "Sec. ____ . PENDING PROCEEDINGS UNAFFECTED.
44 This Act does not apply to a termination of
45 parental rights proceeding or an adoption proceeding
46 pending on July 1, 1994."
- 47 17. Title page, by striking line 3 and inserting
48 the following: "penalties and an".
- 49 18. By renumbering, relettering, and correcting
50 internal references as necessary.

By COMMITTEE ON HUMAN RESOURCES
ELAINE SZYMONIAK, Chairperson

S-5305 FILED MARCH 28, 1994

out of Order 4-7-94

HOUSE FILE 2377

S-5476

1 Amend House File 2377 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 8, by inserting after line 2 the
 4 following:
 5 "Sec. ____ . Section 600.16A, subsection 4, Code
 6 1993, is amended to read as follows:
 7 4. An adopted person whose adoption became final
 8 prior to July 4, 1941, and whose adoption record was
 9 not required to be sealed at the time when the
 10 adoption record was completed, shall not be required
 11 to show good cause for an order opening the adoption
 12 record under this subsection, provided that the court
 13 shall consider any affidavit filed under this
 14 subsection."
 15 2. By renumbering as necessary.

WITHDRAWN 4-7-94 (P. 1075) By LARRY MURPHY

S-5476 FILED APRIL 6, 1994

HOUSE FILE 2377

S-5477

1 Amend House File 2377 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, line 20, by inserting after the word
 4 "division" the following: "and shall include
 5 application of the best interest consideration to the
 6 availability of records, which relate to the
 7 genealogical and biological history of the person to
 8 be adopted, to the person who is adopted upon the
 9 person attaining twenty-five years of age,
 10 notwithstanding the limitations of sections 600.16 and
 11 600.16A".

WITHDRAWN 4-7-94 (P. 1086) By LARRY MURPHY

S-5477 FILED APRIL 6, 1994

HOUSE FILE 2377

S-5478

1 Amend the amendment, S-5306, to House File 2377, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking line 39 and inserting the
 5 following: "ADOPTION THROUGH INDEPENDENT PLACEMENT
 6 PROHIBITED."
 7 2. Page 2, by striking line 43 and inserting the
 8 following: "adoption through independent placement of
 9 the minor as prohibited pursuant to section 600.7A."
 10 3. Page 2, line 49, by inserting after the word
 11 "adoption" the following: "through independent
 12 placement as prohibited pursuant to section 600.7A".

By LARRY MURPHY

S-5478 FILED APRIL 6, 1994

*adopted 4-7-94 (P. 1075) motion to R/c - prevailed 4-7-94
 now S-5478 With drawn 4-7-94*

HOUSE FILE 2377

S-5475

1 Amend House File 2377 as amended, passed, and
2 reprinted by the House as follows:

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

5 "NEW PARAGRAPH. g. Shall be preceded by advice
6 given to a minor natural parent by the person assuming
7 custody or the agency accepting a release of custody
8 that the minor natural parent has a right to legal
9 counsel regarding the legal procedures related to and
10 the consequences of the execution of a release of
11 custody, termination of parental rights, and adoption.
12 The minor natural parent shall also be advised that if
13 the minor is unable to afford legal counsel, legal
14 counsel will be appointed for the minor by the court
15 at no cost to the minor natural parent."

16 2. Page 14, by inserting after line 20 the
17 following:

18 "Sec. ____ . NEW SECTION. 600A.6A RIGHT TO AND
19 APPOINTMENT OF COUNSEL.

20 A minor natural parent who wishes to execute a
21 release of custody shall have the right to counsel
22 prior to the execution of the release. If the minor
23 natural parent is financially unable to employ
24 counsel, the person assuming custody or the agency
25 accepting the release of custody shall submit a
26 request for appointment of counsel to the juvenile
27 court and the juvenile court shall appoint counsel for
28 the minor. The juvenile court shall determine whether
29 the minor has the ability to pay in whole or in part
30 for appointed counsel. If the juvenile court
31 determines that the minor possesses sufficient
32 financial ability, the juvenile court shall order the
33 minor to pay an amount the juvenile court finds
34 appropriate in the manner and to whom the juvenile
35 court directs. If the juvenile court determines that
36 the minor cannot pay any part of the expenses of
37 appointed counsel, counsel shall be reimbursed
38 pursuant to section 232.141, subsection 2, paragraph
39 "b".

40 3. By renumbering as necessary.

By LARRY MURPHY

S-5475 FILED APRIL 6, 1994

WITHDRAWN
4-7-94
(p. 1076)

HOUSE FILE 2377

S-5485

1 Amend the amendment, S-5476, to House File 2377, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 7 and 8 and
 5 inserting the following:
 6 "4. An adopted person whose adoption became final
 7 fifty years or more prior to July 4, 1947, and whose
 8 adoption record was of the current calendar year".

By MERLIN E. BARTZ

S-5485 FILED APRIL 6, 1994

*out of Order
4-7-94*

HOUSE FILE 2377

S-5387

1 Amend House File 2377, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 10, line 29, by inserting after the word
 4 "paragraph." the following: "The requirements of this
 5 paragraph do not apply to a release of custody which
 6 is executed for the purposes of a stepparent
 7 adoption."

By TOM VILSACK

S-5387 FILED MARCH 31, 1994

*Adopted 4-7-94
(P. 1076)*

HOUSE FILE 2377

S-5497

1 Amend the amendment, S-5476, to House File 2377, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 12, by inserting after the word
 5 "that" the following: "the biological parent and the
 6 adopted person have filed affidavits requesting that
 7 the court open the adoption record and that".

By RAY TAYLOR

S-5497 FILED APRIL 6, 1994

*Out of Order
4-7-94*

HOUSE FILE 2377

S-5496

1 Amend House File 2377, as amended, passed, and re-
2 printed by the House, as follows:

3 1. By striking page 1, line 1, through page 4,
4 line 13, and inserting the following:

5 "Section 1. Section 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Information contained in a
8 declaration of paternity completed and filed with the
9 state registrar of vital statistics pursuant to
10 section 144.12A, except to the extent that the
11 information may be provided to persons in accordance
12 with section 144.12A.

13 Sec. 2. NEW SECTION. 144.12A DECLARATION OF
14 PATERNITY REGISTRY.

15 1. As used in this section, unless the context
16 otherwise requires:

17 a. "Child" means a person under eighteen years of
18 age for whom paternity has not been established.

19 b. "Court" means the juvenile court.

20 c. "Father" means the male, biological parent of a
21 child.

22 d. "Putative father" means a man who is alleged to
23 be or who claims to be the biological father of a
24 child born to a woman to whom the man is not married
25 at the time of the birth of the child.

26 e. "Registrant" means a person who has registered
27 pursuant to this section and who claims to be the
28 father of a child.

29 f. "Registrar" means the state registrar of vital
30 statistics.

31 g. "Registry" means the declaration of paternity
32 registry established in this section.

33 2. a. The registrar shall establish a declaration
34 of paternity registry to record the name, address,
35 social security number, and any other identifying
36 information required by rule of the department of a
37 putative father who wishes to register under this
38 section prior to the birth of a child and no later
39 than the date of the filing of the petition for
40 termination of parental rights.

41 b. The declaration does not constitute an
42 affidavit of paternity filed pursuant to section
43 252A.3 and declarations filed shall be maintained by
44 the registrar in a registry distinct from the registry
45 used to maintain affidavits of paternity filed
46 pursuant to section 252A.3. A declaration of
47 paternity filed with the registry may be used as
48 evidence of paternity in an action to establish
49 paternity or to determine a support obligation with
50 respect to the putative father.

S-5496

-1-

S-5496

Page 2

1 3. A person who files a declaration of paternity
2 with the registrar shall include in the declaration
3 all of the following:
4 a. The person's name, current address, social
5 security number, and any other identifying information
6 requested by the department. If the person filing the
7 declaration of paternity changes the person's address,
8 the person shall notify the registrar of the new
9 address in a manner prescribed by the department.
10 b. The name, last known address, and social
11 security number, if known, of the mother of the child,
12 or any other identifying information requested by the
13 department.
14 c. The name of the child, if known, and the date
15 and location of the birth of the child, if known.
16 d. The registrar may accept a declaration of
17 paternity prior to the birth of the child and no later
18 than the date of the filing of the petition for
19 termination of parental rights. The registrar shall
20 not accept a declaration of paternity after the date
21 of the filing of the petition for termination of
22 parental rights.
23 e. The registrar shall forward a copy of the
24 declaration to the mother as notification that the
25 person has registered with the registry.
26 f. The registrar shall accept and immediately
27 register, upon receipt, a declaration of paternity
28 without a fee and without the signature of the
29 biological mother. The registrar may charge a
30 reasonable fee as established by rule of the
31 department for processing searches of the registry.
32 4. The department shall, upon request, provide the
33 name, address, social security number, and any other
34 identifying information of a registrant to the
35 biological mother of the child; a court; the
36 department of human services; the attorney of any
37 party to an adoption, termination of parental rights,
38 or establishment of paternity or support action; or to
39 the child support recovery unit for an action to
40 establish paternity or support. The information shall
41 not be divulged to any other person and shall be
42 considered a confidential record as to any other
43 person, except upon order of the court for good cause
44 shown. If the registry has not received a declaration
45 of paternity, the department shall provide a written
46 statement to that effect to the person making the
47 inquiry.
48 5. a. Information provided to the registry may be
49 revoked by the registrant by submission of a written
50 statement signed and acknowledged by the registrant

S-5496

-2-

S-5496

Page 3

- 1 before a notary public.
2 b. The statement shall include a declaration that
3 to the best of the registrant's knowledge, the
4 registrant is not the father of the named child or
5 that paternity of the true father has been
6 established.
7 c. Revocation shall be deemed a nullity and the
8 information provided by the registrant shall be
9 expunged.
10 d. Revocation is effective only following the
11 birth of the child.
12 6. The department shall adopt rules necessary to
13 implement and administer this section. The rules
14 shall include establishment of sites throughout the
15 state for local distribution of declaration of
16 paternity registration forms."
17 2. Page 5, line 33, by striking the word
18 "natural" and inserting the following: "biological".
19 3. Page 5, line 34, by striking the word
20 "natural" and inserting the following: "biological".
21 4. Page 6, line 7, by striking the word "natural"
22 and inserting the following: "biological".
23 5. Page 6, line 24, by striking the word
24 "natural" and inserting the following: "biological".
25 6. Page 6, line 27, by striking the word
26 "natural" and inserting the following: "biological".
27 7. Page 6, line 34, by striking the word
28 "natural" and inserting the following: "biological".
29 8. Page 7, line 1, by striking the word "natural"
30 and inserting the following: "biological".
31 9. Page 7, line 7, by striking the word "natural"
32 and inserting the following: "biological".
33 10. Page 7, line 17, by inserting after the word
34 "rights," the following: "including the parental
35 rights of any putative biological parent after thirty
36 days from the issuance of a termination of parental
37 rights order issued pursuant to section 600A.9 and".
38 11. Page 7, line 18, by striking the word
39 "natural" and inserting the following: "biological".
40 12. Page 8, line 13, by striking the word
41 "natural" and inserting the following: "biological".
42 13. By striking page 8, line 32, through page 10,
43 line 1.
44 14. Page 10, line 6, by striking the word
45 "natural" and inserting the following: "biological".
46 15. Page 10, line 8, by striking the word
47 "natural" and inserting the following: "biological".
48 16. Page 10, line 10, by striking the word
49 "natural" and inserting the following: "biological".
50 17. Page 10, line 14, by inserting after the word

S-5496

-3-

S-5496

Page 4

- 1 "rights" the following: "as applicable".
2 18. Page 10, line 24, by striking the word
3 "natural" and inserting the following: "biological".
4 19. Page 10, line 25, by striking the word
5 "natural" and inserting the following: "biological".
6 20. By striking page 10, line 30, through page
7 11, line 1, and inserting the following:
8 "NEW PARAGRAPH. e. Shall contain a notice to the
9 biological parent that if the biological parent
10 chooses to identify the other biological parent and
11 knowingly and intentionally identifies a person who is
12 not the other biological parent in the written release
13 of custody or in any other document related to the
14 termination of parental rights proceedings, the
15 biological parent who provides the incorrect
16 identifying information is guilty of a simple
17 misdemeanor."
18 21. Page 11, line 9, by striking the word
19 "natural" and inserting the following: "biological".
20 22. Page 11, by striking line 12 and inserting
21 the following: "description of the minor child's
22 biological parents and an account".
23 23. Page 11, by striking lines 16 through 22 and
24 inserting the following: "visits."
25 24. Page 11, line 23, by striking the word
26 "natural" and inserting the following: "biological".
27 25. Page 11, by striking line 27, and inserting
28 the following: "address of the biological parent to
29 the department."
30 26. Page 12, by striking lines 15 through 17 and
31 inserting the following:
32 "d g. Shall be signed, not less than seventy-two
33 hours after the birth of the child to be released, by
34 all living parents. The seventy-two hour".
35 27. Page 12, by striking lines 31 and 32 and
36 inserting the following: "declaration of paternity in
37 accordance with section 144.12A, or any unknown
38 putative father, if any, except".
39 28. Page 12, line 33, by striking the word
40 "natural" and inserting the following: "~~natural~~
41 biological".
42 29. Page 12, line 34, by striking the word
43 "natural" and inserting the following: "~~natural~~
44 biological".
45 30. Page 13, line 32, by striking the word "AND"
46 and inserting the following: "OR".
47 31. Page 14, by striking lines 7 through 14.
48 32. Page 14, by inserting after line 20 the
49 following:
50 "Sec. ____ . Section 600A.9, subsection 2, Code

S-5496

-4-

S-5496

Page 5

1 1993, is amended to read as follows:

2 2. If an order is issued under subsection 1,
3 paragraph "b" of this section, the juvenile court
4 shall retain jurisdiction to change a guardian or
5 custodian and to allow a terminated parent to request
6 vacation or appeal of the termination order ~~if the~~
7 ~~child is not en placement for adoption or a petition~~
8 ~~for adoption of the child is not on file~~ within thirty
9 days of issuance of the granting of the order. The
10 period for request for vacation or appeal shall not be
11 waived or extended and a vacation or appeal shall not
12 be granted after the expiration of this period. The
13 juvenile court shall grant the vacation request only
14 if it is in the best interest of the child. The
15 supreme court shall prescribe rules to establish a
16 period of thirty days, which shall not be waived or
17 extended, in which a terminated parent may request a
18 vacation or appeal of a termination order."

19 33. Page 14, by striking lines 23 through 26 and
20 inserting the following:

21 "1. Any biological parent who chooses to identify
22 the other biological parent and who knowingly and
23 intentionally identifies a person who is not the other
24 biological parent in the written release of custody or
25 in any other document related to the termination of
26 parental rights proceedings is guilty of a simple
27 misdemeanor."

28 34. Page 14, line 28 by striking the words "one
29 hundred twenty-" and inserting the following:
30 "seventy-two-".

31 35. By striking page 14, line 30 through page 15,
32 line 1, and inserting the following:

33 "Sec. ____ . PENDING PROCEEDINGS UNAFFECTED. This
34 Act does not apply to a termination of parental rights
35 proceeding or an adoption proceeding pending on July
36 1, 1994."

37 36. Title page, by striking line 3 and inserting
38 the following: "penalties and an".

39 37. By renumbering, relettering, and correcting
40 internal references as necessary.

By TOM VILSACK

AL STURGEON

MARY E. KRAMER

ELAINE SZYMONIAK

SHELDON RITTMER

FLORENCE D. BUHR

PATTY JUDGE

MERLIN E. BARTZ

S-5496 FILED APRIL 6, 1994

WITHDRAWN
4-7-94
(P. 1076)

HOUSE FILE 2377

S-5510

1 Amend House File 2377, as amended, passed, and re-
2 printed by the House, as follows:

3 1. By striking page 1, line 1, through page 4,
4 line 13, and inserting the following:

5 "Section 1. Section 22.7, Code Supplement 1993, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 31. Information contained in a
8 declaration of paternity completed and filed with the
9 state registrar of vital statistics pursuant to
10 section 144.12A, except to the extent that the
11 information may be provided to persons in accordance
12 with section 144.12A.

13 Sec. 2. NEW SECTION. 144.12A DECLARATION OF
14 PATERNITY REGISTRY.

15 1. As used in this section, unless the context
16 otherwise requires:

17 a. "Child" means a person under eighteen years of
18 age for whom paternity has not been established.

19 b. "Court" means the juvenile court.

20 c. "Father" means the male, biological parent of a
21 child.

22 d. "Putative father" means a man who is alleged to
23 be or who claims to be the biological father of a
24 child born to a woman to whom the man is not married
25 at the time of the birth of the child.

26 e. "Registrant" means a person who has registered
27 pursuant to this section and who claims to be the
28 father of a child.

29 f. "Registrar" means the state registrar of vital
30 statistics.

31 g. "Registry" means the declaration of paternity
32 registry established in this section.

33 2. a. The registrar shall establish a declaration
34 of paternity registry to record the name, address,
35 social security number, and any other identifying
36 information required by rule of the department of a
37 putative father who wishes to register under this
38 section prior to the birth of a child and no later
39 than the date of the filing of the petition for
40 termination of parental rights.

41 b. The declaration does not constitute an
42 affidavit of paternity filed pursuant to section
43 252A.3 and declarations filed shall be maintained by
44 the registrar in a registry distinct from the registry
45 used to maintain affidavits of paternity filed
46 pursuant to section 252A.3. A declaration of
47 paternity filed with the registry may be used as
48 evidence of paternity in an action to establish
49 paternity or to determine a support obligation with
50 respect to the putative father.

S-5510

-1-

S-5510

Page 2

1 3. A person who files a declaration of paternity
2 with the registrar shall include in the declaration
3 all of the following:

4 a. The person's name, current address, social
5 security number, and any other identifying information
6 requested by the department. If the person filing the
7 declaration of paternity changes the person's address,
8 the person shall notify the registrar of the new
9 address in a manner prescribed by the department.

10 b. The name, last known address, and social
11 security number, if known, of the mother of the child,
12 or any other identifying information requested by the
13 department.

14 c. The name of the child, if known, and the date
15 and location of the birth of the child, if known.

16 d. The registrar shall accept a declaration of
17 paternity filed in accordance with this section.

18 e. The registrar shall forward a copy of the
19 declaration to the mother as notification that the
20 person has registered with the registry.

21 f. The registrar shall accept and immediately
22 register, upon receipt, a declaration of paternity
23 without a fee and without the signature of the
24 biological mother. The registrar may charge a
25 reasonable fee as established by rule of the
26 department for processing searches of the registry.

27 4. The department shall, upon request, provide the
28 name, address, social security number, and any other
29 identifying information of a registrant to the
30 biological mother of the child; a court; the
31 department of human services; the attorney of any
32 party to an adoption, termination of parental rights,
33 or establishment of paternity or support action; or to
34 the child support recovery unit for an action to
35 establish paternity or support. The information shall
36 not be divulged to any other person and shall be
37 considered a confidential record as to any other
38 person, except upon order of the court for good cause
39 shown. If the registry has not received a declaration
40 of paternity, the department shall provide a written
41 statement to that effect to the person making the
42 inquiry.

43 5. a. Information provided to the registry may be
44 revoked by the registrant by submission of a written
45 statement signed and acknowledged by the registrant
46 before a notary public.

47 b. The statement shall include a declaration that
48 to the best of the registrant's knowledge, the
49 registrant is not the father of the named child or
50 that paternity of the true father has been

Div.
A

S-5510

-2-

S-5510

Page 3

1 established.

2 c. Revocation shall be deemed a nullity and the
3 information provided by the registrant shall be
4 expunged.

5 d. Revocation is effective only following the
6 birth of the child.

7 6. The department shall adopt rules necessary to
8 implement and administer this section. The rules
9 shall include establishment of sites throughout the
10 state for local distribution of declaration of
11 paternity registration forms."

12 2. Page 5, line 33, by striking the word
13 "natural" and inserting the following: "biological".

14 3. Page 5, line 34, by striking the word
15 "natural" and inserting the following: "biological".

16 4. Page 6, line 7, by striking the word "natural"
17 and inserting the following: "biological".

18 5. Page 6, line 24, by striking the word
19 "natural" and inserting the following: "biological".

20 6. Page 6, line 27, by striking the word
21 "natural" and inserting the following: "biological".

22 7. Page 6, line 34, by striking the word
23 "natural" and inserting the following: "biological".

24 8. Page 7, line 1, by striking the word "natural"
25 and inserting the following: "biological".

26 9. Page 7, line 7, by striking the word "natural"
27 and inserting the following: "biological".

28 10. Page 7, by striking lines 15 through 25.

29 11. Page 8, line 13, by striking the word
30 "natural" and inserting the following: "biological".

31 12. By striking page 8, line 32, through page 10,
32 line 1.

33 13. Page 10, line 6, by striking the word
34 "natural" and inserting the following: "biological".

35 14. Page 10, line 8, by striking the word
36 "natural" and inserting the following: "biological".

37 15. Page 10, line 10, by striking the word
38 "natural" and inserting the following: "biological".

39 16. Page 10, line 14, by inserting after the word
40 "rights" the following: "as applicable".

41 17. Page 10, line 24, by striking the word
42 "natural" and inserting the following: "biological".

43 18. Page 10, line 25, by striking the word
44 "natural" and inserting the following: "biological".

45 19. By striking page 10, line 30, through page
46 11, line 1, and inserting the following:

47 NEW PARAGRAPH. e. Shall contain a notice to the
48 biological parent that if the biological parent
49 chooses to identify the other biological parent and
50 knowingly and intentionally identifies a person who is

Div.
A

S-5510

Page 4

1 not the other biological parent in the written release
2 of custody or in any other document related to the
3 termination of parental rights proceedings, the
4 biological parent who provides the incorrect
5 identifying information is guilty of a simple
6 misdemeanor."

7 20. Page 11, line 9, by striking the word
8 "natural" and inserting the following: "biological".

9 21. Page 11, by striking line 12 and inserting
10 the following: "description of the minor child's
11 biological parents and an account".

12 22. Page 11, by striking lines 16 through 22 and
13 inserting the following: "visits."

14 23. Page 11, line 23, by striking the word
15 "natural" and inserting the following: "biological".

16 24. Page 11, by striking line 27, and inserting
17 the following: "address of the biological parent to
18 the department."

19 25. Page 12, by striking lines 15 through 17 and
20 inserting the following:

21 "d g. Shall be signed, not less than seventy-two
22 hours after the birth of the child to be released, by
23 all living parents. The seventy-two hour".

24 26. Page 12, by striking lines 31 and 32 and
25 inserting the following: "declaration of paternity in
26 accordance with section 144.12A, or any unknown
27 putative father, if any, except".

28 27. Page 12, line 33, by striking the word
29 "natural" and inserting the following: "natural
30 biological".

31 28. Page 12, line 34, by striking the word
32 "natural" and inserting the following: "natural
33 biological".

34 29. Page 13, line 32, by striking the word "AND"
35 and inserting the following: "OR".

36 30. Page 14, by striking lines 7 through 14.

37 31. Page 14, by inserting after line 20 the
38 following:

39 "Sec. ____ . Section 600A.9, subsection 2, Code
40 1993, is amended to read as follows:

41 2. If an order is issued under subsection 1,
42 paragraph "b" of this section, the juvenile court
43 shall retain jurisdiction to change a guardian or
44 custodian and to allow a terminated parent or any
45 putative biological parent to request vacation or
46 appeal of the termination order if ~~the child is not on~~
47 ~~placement-for-adoption-or-a-petition-for-adoption-of~~
48 ~~the child is not on file~~ which request must be made
49 within thirty days of issuance of the granting of the
50 order. The period for request by a terminated parent

S-5510

S-5510

Page 5

1 or by a putative biological parent for vacation or
 2 appeal shall not be waived or extended and a vacation
 3 or appeal shall not be granted after the expiration of
 4 this period. The juvenile court shall grant the
 5 vacation request only if it is in the best interest of
 6 the child. The supreme court shall prescribe rules to
 7 establish a period of thirty days, which shall not be
 8 waived or extended, in which a terminated or putative
 9 biological parent may request a vacation or appeal of
 10 a termination order."

A

11 32. Page 14, by striking lines 23 through 26 and
 12 inserting the following:

13 "1. Any biological parent who chooses to identify
 14 the other biological parent and who knowingly and
 15 intentionally identifies a person who is not the other
 16 biological parent in the written release of custody or
 17 in any other document related to the termination of
 18 parental rights proceedings is guilty of a simple
 19 misdemeanor."

20 33. Page 14, line 28 by striking the words "one
 21 hundred twenty-" and inserting the following:
 22 "seventy-two-".

B

23 34. By striking page 14, line 30 through page 15,
 24 line 1, and inserting the following:

25 "Sec. ____ . PENDING PROCEEDINGS UNAFFECTED. This
 26 Act does not apply to a termination of parental rights
 27 proceeding or an adoption proceeding pending on July
 28 1, 1994."

A

29 35. Title page, by striking line 3 and inserting
 30 the following: "penalties and an".

31 36. By renumbering, relettering, and correcting
 32 internal references as necessary.

By TOM VILSACK	SHELDON RITTNER
AL STURGEON	FLORENCE BUHR
MARY E. KRAMER	PATTY JUDGE
ELAINE SZYMONIAK	MERLIN E. BARTZ

S-5510 FILED APRIL 6, 1994

A. Adopted 4/7/94
 B. Adopted
 P. 1077

HOUSE FILE 2377

S-5521

1 Amend the amendment, S-5510, to House File 2377, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, by striking lines 14 through 18 and
5 inserting the following:

6 "____. Page 11, by striking lines 23 through 29
7 and inserting the following:

8 "A biological parent may also provide ongoing
9 information to the adoptive parents, as additional
10 medical or social history information becomes known,
11 by providing information to the clerk of court, the
12 department of human services, or the agency which made
13 the placement, and may provide the current address of
14 the biological parent. The clerk of court, the
15 department of human services, or the agency which made
16 the placement shall transmit the information to the
17 adoptive parents if the address of the adoptive
18 parents is known."

19 2. By renumbering as necessary.

By JOE WELSH

ALLEN BORLAUG

WILLIAM W. DIELEMAN

MARY E. KRAMER

RAY TAYLOR

JOHN W. JENSEN

S-5521 FILED APRIL 7, 1994

ADOPTED, MOTION TO RECONSIDER WITHDRAWN

HOUSE FILE 2377

S-5523

1 Amend the amendment, S-5510, to House File 2377, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by inserting after line 28 the
5 following:

6 "____. Page 8, by inserting after line 2 the
7 following:

8 "Sec. ____ Section 600.16, subsection 3, Code
9 1993, is amended to read as follows:

10 3. Any person other than the adopting parents or
11 the adopted person, who discloses information in
12 violation of this section, is guilty of a simple
13 misdemeanor for the first offense, a serious
14 misdemeanor for a second offense, and an aggravated
15 misdemeanor for a third or subsequent offense."

16 2. By renumbering as necessary.

By JOE WELSH

S-5523 FILED APRIL 7, 1994

ADOPTED

HOUSE FILE 2377

S-5515

1 Amend the amendment, S-5512, to House File 2377, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 7 and 8 and
5 inserting the following:
6 "4. An adopted person whose adoption became final
7 fifty years or more prior to July 4, ~~1941~~ and whose
8 adoption record was of the current calendar year".

By MERLIN E. BARTZ

S-5515 FILED APRIL 7, 1994

ADOPTED, MOTION TO RECONSIDER ADOPTED, WITHDRAWN

HOUSE FILE 2377

S-5517

1 Amend the amendment, S-5512, to House File 2377, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking line 12, and inserting the
5 following: "record under this subsection, provided
6 that the biological parent and the adopted person have
7 filed affidavits requesting that the court open the
8 adoption record".

By RAY TAYLOR

S-5517 FILED APRIL 7, 1994

LOST

HOUSE FILE 2377

S-5512

1 Amend House File 2377 as amended, passed, and
2 reprinted by the House as follows:

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

5 "Sec. ____ . Section 600.16A, subsection 4, Code
6 1993, is amended to read as follows:

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

15 2. By renumbering as necessary.

By LARRY MURPHY

S-5512 FILED APRIL 7, 1994

ADOPTED, MOTION TO RECONSIDER ADOPTED, LOST

HOUSE FILE 2377

S-5518

1 Amend the amendment, S-5510, to House File 2377, as
2 amended, passed, and reprinted by the House as
3 follows:

A 4 1. Page 1, by inserting after line 4, the
5 following:
6 "Section 1. Section 13.2, Code 1993, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 13. Prepare standard forms which
9 contain information regarding the legal procedures
10 related to and the consequences of the execution of a
11 release of custody, termination of parental rights,
12 and adoption. The attorney general shall distribute
13 the forms, upon request, to agencies and persons
14 making independent placements pursuant to section
15 600A.4 and shall collect and review completed forms
16 forwarded to the office of the attorney general. The
17 attorney general shall also appoint an assistant
18 attorney general to provide assistance to biological
19 parents who request assistance in completion of the
20 form."

B 21 2. Page 3, by inserting after line 32, the
22 following:
23 " Sec. 1. Page 10, by inserting before line 2, the
24 following:
25 "Sec. 1. Section 600A.4, Code 1993, is amended
26 by adding the following new subsection:
27 NEW SUBSECTION. 1A. a. Prior to the execution of
28 a release of custody, the agency or person making the
29 independent placement shall provide the biological
30 parent who wishes to execute the release the standard
31 information form prepared and distributed by the
32 office of the attorney general. The form shall
33 include information regarding the legal procedures
34 relating to and the consequences of the execution of a
35 release of custody, termination of parental rights,
36 and adoption. The form shall also contain information
37 which advises the biological parent of the parent's
38 right to legal counsel and shall provide for the
39 requesting of counsel through completion of the form.
40 Upon receipt of the form, the biological parent shall
41 read and sign the form certifying receipt and
42 acknowledgment of the information provided in the
43 form, and shall also complete the form to request or
44 waive the provision of legal counsel. Following
45 completion and signing of the form by the biological
46 parent, the agency or person making the independent
47 placement shall forward the form to the office of the
48 attorney general.
49 b. The office of the attorney general shall
50 prepare standard information forms which contain

S-5518

S-5518

Page 2

1 information regarding the legal procedures relating to
2 and the consequences of the execution of a release of
3 custody, termination of parental rights, and adoption.
4 The forms shall be available, upon request, to any
5 agency or person making an independent placement. The
6 office of the attorney general shall provide
7 instruction for completion of the forms and shall
8 collect and review all forms completed and forwarded
9 to the office. The office of the attorney general
10 shall appoint one assistant attorney general to
11 provide assistance to biological parents, who request
12 legal counsel through completion of the standard
13 form.""

14 3. By renumbering as necessary.

By TOM VILSACK
LARRY MURPHY

S-5518 FILED APRIL 7, 1994
DIV. A-ADOPTED, DIV. B-ADOPTED

HOUSE FILE 2377

S-5519

1 Amend the amendment, S-5510, to House File 2377, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by inserting after line 21 the
5 following:

6 "____. Page 6, line 33, by inserting after the
7 word "provided" the following: "to the biological
8 parents prior to the birth of the child,"."

9 2. Page 3, by striking lines 33 and 34 and
10 inserting the following:

11 "____. Page 10, line 5, by striking the word "a".

12 _____. Page 10, by striking line 6 and inserting
13 the following: "three hours of counseling to the
14 biological parents"."

15 3. By renumbering as necessary.

By MARY KRAMER

S-5519 FILED APRIL 7, 1994
ADOPTED

HOUSE FILE 2377

S-5525

1 Amend the amendment, S-5510, to House File 2377, as
2 amended, passed, and reprinted by the House as
3 follows:

A 4 1. Page 1, by inserting after line 50 the
5 following:
6 "c. Failure or refusal to file a declaration of
7 paternity shall not be used as evidence to avoid a
8 legally established obligation of financial support
9 for a child."

C 10 2. Page 3, by striking line 28 and inserting the
11 following:
12 "____. Page 7, by striking lines 18 and 19 and
13 inserting the following: "with the exception of
14 rights specifically retained in the adoption decree,".
15 _____. Page 7, line 25, by inserting after the word
16 "child." the following: "The adoption decree may
17 provide that, following the issuance of the decree,
18 the biological parents may retain rights including but
19 not limited to visitation rights, if the biological
20 parents and the adoptive parents agree to the
21 retaining of rights and if the court determines that
22 the retaining of rights is in the best interest of the
23 child."

24 3. Page 3, by inserting after line 30 the
25 following:
26 "____. Page 8, line 27, by striking the word
27 "subsection" and inserting the following:
28 "subsections".
29 _____. Page 8, by inserting after line 27 the
30 following:
31 "NEW SUBSECTION. 3A. "Counseling" means unbiased
32 information provided to a biological parent, prior to
33 or after the birth of the child, by a counselor
34 qualified as prescribed by section 600A.4. Counseling
35 shall include all of the following:
36 a. An explanation and consideration of available
37 alternatives to adoption.
38 b. An explanation of the adoption process.
39 c. An explanation and consideration of the legal
40 and personal impact of termination of parental rights
41 and of adoption.
42 d. Assistance with the completion of the birth
43 parent medical and social history form."

B 44 4. Page 3, by striking lines 33 through 44 and
45 inserting the following:
46 "____. Page 10, by striking lines 5 through 13 and
47 inserting the following:
48 "NEW PARAGRAPH. d. Shall be preceded by a minimum
49 of three hours of counseling as defined in section
50 600A.2, to the biological parents of the child. The

S-5525

-1-

S-5525

Page 2

1 counseling shall be provided prior to or after the
2 birth of the child and prior to the execution of a
3 release of custody or the filing of a petition for
4 termination of parental rights, as applicable.

5 The counseling requirement may be waived by a court
6 for good cause shown. The counseling requirement of
7 this section does not apply to termination of parental
8 rights proceedings based upon the grounds specified in
9 section 232.116 and does not apply to termination of
10 parental rights proceedings based upon the grounds
11 specified in section 600A.8, subsection 5.

12 Counseling shall be provided only by a person who
13 is qualified under rules adopted by the department
14 which shall include a requirement that the person
15 complete a minimum number of hours of training in the
16 area of adoption-related counseling approved by the
17 department or, in the alternative, that the person has
18 a minimum level of experience, as determined by rules
19 of the department, in the provision of adoption-
20 related counseling. The counselor shall provide an
21 affidavit, which shall be attached to the release of
22 custody, certifying that the counselor has provided
23 the biological parents with counseling and that the
24 person is qualified to provide the counseling as
25 prescribed under this paragraph. If the court has
26 granted a waiver of the required counseling, the
27 counselor shall attach a copy of the court order
28 granting the waiver to the release of custody, in lieu
29 of a certification of counseling."

C 30 5. Page 4, by striking lines 7 and 8 and
31 inserting the following:

32 "____. Page 11, by striking line 9 and inserting
33 the following: "biological parents of the person to
34 be adopted unless the biological parents wish to
35 disclose their identities. The social".

36 6. Page 4, line 26, by inserting after the figure
37 "144.12A" the following: "and any putative father who
38 has filed a declaration of paternity with a paternity
39 registry in any state in which a paternity registry
40 has been established".

41 7. Page 4, by striking lines 31 through 33 and
42 inserting the following:

43 "____. Page 12, by striking lines 34 and 35 and
44 inserting the following: "abused the other natural
45 biological parent while-not-cohabiting-with-that
46 parent-as-husband-and-wife, thereby producing the
47 birth of the".

48 _____. Page 13, by striking lines 27 through 29 and
49 inserting the following: "consecutive weeks in the
50 county in which the child is believed to have been

S-5525

-2-

S-5525

Page 3

1 conceived and the last known county in which the
2 putative father is known to have resided, the last
3 publication to be not less than five business days
4 prior to the hearing on".

A

5 8. Page 4, by inserting after line 38 the
6 following:

7 "Sec. ____ . Section 600A.7, Code 1993, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. If a putative father files a
10 declaration of paternity pursuant to section 144.12A,
11 the putative father or the mother of the child may
12 request that paternity be established pursuant to
13 section 600B.41 prior to the granting of a dismissal
14 of the petition to terminate parental rights."

C

15 9. Page 5, by inserting after line 10 the
16 following:

17 "Sec. ____ . Section 600A.9, Code 1993, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 3A. If an order is issued under
20 subsection 1, paragraph "b", in reference to the
21 parental rights of the biological mother of a child,
22 and if the biological or putative father of the child
23 subsequently appears and objects to termination of the
24 biological or putative father's rights and the rights
25 of the biological or putative father are not
26 terminated, the order terminating the parental rights
27 of the biological mother is void and, unless the
28 biological mother objects, the rights of the
29 biological mother shall be reinstated."

30 10. By renumbering as necessary.

By RALPH ROSENBERG

S-5525 FILED APRIL 7, 1994

DIV. A-ADOPTED, DIV. B-RULED OUT OF ORDER, DIV. C-LOST

4-7-94

HOUSE FILE 2377

S-5529

1 Amend the amendment, S-5512, to House File 2377, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 7 and 8 and
5 inserting the following:

6 "4. An adopted person whose adoption became final
7 ~~sixty years or more~~ prior to July 4, 1947, ~~and whose~~
8 ~~adoption record was~~ of the current calendar year".

By MERLIN E. BARTZ

S-5529 FILED APRIL 7, 1994

ADOPTED

4-7-94

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2377

S-5649

1 Amend the Senate amendment, H-6054, to House File
2 2377, as amended, passed, and reprinted by the House
3 as follows:

- 4 1. Page 1, by striking lines 5 through 19.
- 5 2. By striking page 4, line 15 through page 5,
6 line 5.
- 7 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5649 FILED APRIL 14, 1994

CONCURRED

4.14-94

SENATE AMENDMENT TO HOUSE FILE 2377

H-6054

1 Amend House File 2377, as amended, passed, and re-
2 printed by the House, as follows:

3 1. By striking page 1, line 1, through page 4,
4 line 13, and inserting the following:

5 "Section 1. Section 13.2, Code 1993, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 13. Prepare standard forms which
8 contain information regarding the legal procedures
9 related to and the consequences of the execution of a
10 release of custody, termination of parental rights,
11 and adoption. The attorney general shall distribute
12 the forms, upon request, to agencies and persons
13 making independent placements pursuant to section
14 600A.4 and shall collect and review completed forms
15 forwarded to the office of the attorney general. The
16 attorney general shall also appoint an assistant
17 attorney general to provide assistance to biological
18 parents who request assistance in completion of the
19 form.

20 Sec. 2. Section 22.7, Code Supplement 1993, is
21 amended by adding the following new subsection:

22 NEW SUBSECTION. 31. Information contained in a
23 declaration of paternity completed and filed with the
24 state registrar of vital statistics pursuant to
25 section 144.12A, except to the extent that the
26 information may be provided to persons in accordance
27 with section 144.12A.

28 Sec. 3. NEW SECTION. 144.12A DECLARATION OF
29 PATERNITY REGISTRY.

30 1. As used in this section, unless the context
31 otherwise requires:

32 a. "Child" means a person under eighteen years of
33 age for whom paternity has not been established.

34 b. "Court" means the juvenile court.

35 c. "Father" means the male, biological parent of a
36 child.

37 d. "Putative father" means a man who is alleged to
38 be or who claims to be the biological father of a
39 child born to a woman to whom the man is not married
40 at the time of the birth of the child.

41 e. "Registrant" means a person who has registered
42 pursuant to this section and who claims to be the
43 father of a child.

44 f. "Registrar" means the state registrar of vital
45 statistics.

46 g. "Registry" means the declaration of paternity
47 registry established in this section.

48 2. a. The registrar shall establish a declaration
49 of paternity registry to record the name, address,
50 social security number, and any other identifying

H-6054

H-6054

Page 2

1 information required by rule of the department of a
2 putative father who wishes to register under this
3 section prior to the birth of a child and no later
4 than the date of the filing of the petition for
5 termination of parental rights.

6 b. The declaration does not constitute an
7 affidavit of paternity filed pursuant to section
8 252A.3 and declarations filed shall be maintained by
9 the registrar in a registry distinct from the registry
10 used to maintain affidavits of paternity filed
11 pursuant to section 252A.3. A declaration of
12 paternity filed with the registry may be used as
13 evidence of paternity in an action to establish
14 paternity or to determine a support obligation with
15 respect to the putative father.

16 c. Failure or refusal to file a declaration of
17 paternity shall not be used as evidence to avoid a
18 legally established obligation of financial support
19 for a child.

20 3. A person who files a declaration of paternity
21 with the registrar shall include in the declaration
22 all of the following:

23 a. The person's name, current address, social
24 security number, and any other identifying information
25 requested by the department. If the person filing the
26 declaration of paternity changes the person's address,
27 the person shall notify the registrar of the new
28 address in a manner prescribed by the department.

29 b. The name, last known address, and social
30 security number, if known, of the mother of the child,
31 or any other identifying information requested by the
32 department.

33 c. The name of the child, if known, and the date
34 and location of the birth of the child, if known.

35 d. The registrar shall accept a declaration of
36 paternity filed in accordance with this section.

37 e. The registrar shall forward a copy of the
38 declaration to the mother as notification that the
39 person has registered with the registry.

40 f. The registrar shall accept and immediately
41 register, upon receipt, a declaration of paternity
42 without a fee and without the signature of the
43 biological mother. The registrar may charge a
44 reasonable fee as established by rule of the
45 department for processing searches of the registry.

46 4. The department shall, upon request, provide the
47 name, address, social security number, and any other
48 identifying information of a registrant to the
49 biological mother of the child; a court; the
50 department of human services; the attorney of any

H-6054

-2-

H-6054

Page 3

1 party to an adoption, termination of parental rights,
2 or establishment of paternity or support action; or to
3 the child support recovery unit for an action to
4 establish paternity or support. The information shall
5 not be divulged to any other person and shall be
6 considered a confidential record as to any other
7 person, except upon order of the court for good cause
8 shown. If the registry has not received a declaration
9 of paternity, the department shall provide a written
10 statement to that effect to the person making the
11 inquiry.

12 5. a. Information provided to the registry may be
13 revoked by the registrant by submission of a written
14 statement signed and acknowledged by the registrant
15 before a notary public.

16 b. The statement shall include a declaration that
17 to the best of the registrant's knowledge, the
18 registrant is not the father of the named child or
19 that paternity of the true father has been
20 established.

21 c. Revocation shall be deemed a nullity and the
22 information provided by the registrant shall be
23 expunged.

24 d. Revocation is effective only following the
25 birth of the child.

26 6. The department shall adopt rules necessary to
27 implement and administer this section. The rules
28 shall include establishment of sites throughout the
29 state for local distribution of declaration of
30 paternity registration forms."

31 2. Page 5, line 33, by striking the word
32 "natural" and inserting the following: "biological".

33 3. Page 5, line 34, by striking the word
34 "natural" and inserting the following: "biological".

35 4. Page 6, line 7, by striking the word "natural"
36 and inserting the following: "biological".

37 5. Page 6, line 24, by striking the word
38 "natural" and inserting the following: "biological".

39 6. Page 6, line 27, by striking the word
40 "natural" and inserting the following: "biological".

41 7. Page 6, line 33, by inserting after the word
42 "provided" the following: "to the biological parents
43 prior to the birth of the child,".

44 8. Page 6, line 34, by striking the word
45 "natural" and inserting the following: "biological".

46 9. Page 7, line 1, by striking the word "natural"
47 and inserting the following: "biological".

48 10. Page 7, line 7, by striking the word
49 "natural" and inserting the following: "biological".

50 11. Page 7, by striking lines 15 through 25.

H-6054

-3-

B-6054

Page 4

1 12. Page 8, by inserting after line 2 the
2 following:

3 "Sec. ____ . Section 600.16, subsection 3, Code
4 1993, is amended to read as follows:

5 3. Any person other than the adopting parents or
6 the adopted person, who discloses information in
7 violation of this section, is guilty of a simple
8 misdemeanor for the first offense, a serious
9 misdemeanor for a second offense, and an aggravated
10 misdemeanor for a third or subsequent offense."

11 13. Page 8, line 13, by striking the word
12 "natural" and inserting the following: "biological".

13 14. By striking page 8, line 32, through page 10,
14 line 1.

15 15. Page 10, by inserting before line 2, the
16 following:

17 "Sec. ____ . Section 600A.4, Code 1993, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 1A. a. Prior to the execution of
20 a release of custody, the agency or person making the
21 independent placement shall provide the biological
22 parent who wishes to execute the release the standard
23 information form prepared and distributed by the
24 office of the attorney general. The form shall
25 include information regarding the legal procedures
26 relating to and the consequences of the execution of a
27 release of custody, termination of parental rights,
28 and adoption. The form shall also contain information
29 which advises the biological parent of the parent's
30 right to legal counsel and shall provide for the
31 requesting of counsel through completion of the form.
32 Upon receipt of the form, the biological parent shall
33 read and sign the form certifying receipt and
34 acknowledgment of the information provided in the
35 form, and shall also complete the form to request or
36 waive the provision of legal counsel. Following
37 completion and signing of the form by the biological
38 parent, the agency or person making the independent
39 placement shall forward the form to the office of the
40 attorney general.

41 b. The office of the attorney general shall
42 prepare standard information forms which contain
43 information regarding the legal procedures relating to
44 and the consequences of the execution of a release of
45 custody, termination of parental rights, and adoption.
46 The forms shall be available, upon request, to any
47 agency or person making an independent placement. The
48 office of the attorney general shall provide
49 instruction for completion of the forms and shall
50 collect and review all forms completed and forwarded

B-6054

H-6054

Page 5

1 to the office. The office of the attorney general
2 shall appoint one assistant attorney general to
3 provide assistance to biological parents, who request
4 legal counsel through completion of the standard
5 form."

6 16. Page 10, line 5, by striking the word "a".

7 17. Page 10, by striking line 6 and inserting the
8 following: "three hours of counseling to the
9 biological parents".

10 18. Page 10, line 8, by striking the word
11 "natural" and inserting the following: "biological".

12 19. Page 10, line 10, by striking the word
13 "natural" and inserting the following: "biological".

14 20. Page 10, line 14, by inserting after the word
15 "rights" the following: "as applicable".

16 21. Page 10, line 24, by striking the word
17 "natural" and inserting the following: "biological".

18 22. Page 10, line 25, by striking the word
19 "natural" and inserting the following: "biological".

20 23. Page 10, line 29, by inserting after the word
21 "paragraph." the following: "The requirements of this
22 paragraph do not apply to a release of custody which
23 is executed for the purposes of a stepparent
24 adoption."

25 24. By striking page 10, line 30, through page
26 11, line 1, and inserting the following:

27 "NEW PARAGRAPH. e. Shall contain a notice to the
28 biological parent that if the biological parent
29 chooses to identify the other biological parent and
30 knowingly and intentionally identifies a person who is
31 not the other biological parent in the written release
32 of custody or in any other document related to the
33 termination of parental rights proceedings, the
34 biological parent who provides the incorrect
35 identifying information is guilty of a simple
36 misdemeanor."

37 25. Page 11, line 9, by striking the word
38 "natural" and inserting the following: "biological".

39 26. Page 11, by striking line 12 and inserting
40 the following: "description of the minor child's
41 biological parents and an account".

42 27. Page 11, by striking lines 16 through 22 and
43 inserting the following: "visits."

44 28. Page 11, by striking lines 23 through 29 and
45 inserting the following:

46 "A biological parent may also provide ongoing
47 information to the adoptive parents, as additional
48 medical or social history information becomes known,
49 by providing information to the clerk of court, the
50 department of human services, or the agency which made

H-6054

-5-

H-6054

Page 6

1 the placement, and may provide the current address of
2 the biological parent. The clerk of court, the
3 department of human services, or the agency which made
4 the placement shall transmit the information to the
5 adoptive parents if the address of the adoptive
6 parents is known."

7 29. Page 12, by striking lines 15 through 17 and
8 inserting the following:

9 "d g. Shall be signed, not less than seventy-two
10 hours after the birth of the child to be released, by
11 all living parents. The seventy-two hour".

12 30. Page 12, by striking lines 31 and 32 and
13 inserting the following: "declaration of paternity in
14 accordance with section 144.12A, or any unknown
15 putative father, if any, except".

16 31. Page 12, line 33, by striking the word
17 "natural" and inserting the following: "natural
18 biological".

19 32. Page 12, line 34, by striking the word
20 "natural" and inserting the following: "natural
21 biological".

22 33. Page 13, line 32, by striking the word "AND"
23 and inserting the following: "OR".

24 34. Page 14, by striking lines 7 through 14.

25 35. Page 14, by inserting after line 20 the
26 following:

27 "Sec. ____ . Section 600A.7, Code 1993, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 3. If a putative father files a
30 declaration of paternity pursuant to section 144.12A,
31 the putative father or the mother of the child may
32 request that paternity be established pursuant to
33 section 600B.41 prior to the granting of a dismissal
34 of the petition to terminate parental rights.

35 Sec. ____ . Section 600A.9, subsection 2, Code 1993,
36 is amended to read as follows:

37 2. If an order is issued under subsection 1,
38 paragraph "b" of this section, the juvenile court
39 shall retain jurisdiction to change a guardian or
40 custodian and to allow a terminated parent or any
41 putative biological parent to request vacation or
42 appeal of the termination order if the child is not on
43 placement for adoption or a petition for adoption of
44 the child is not on file which request must be made
45 within thirty days of issuance of the granting of the
46 order. The period for request by a terminated parent
47 or by a putative biological parent for vacation or
48 appeal shall not be waived or extended and a vacation
49 or appeal shall not be granted after the expiration of
50 this period. The juvenile court shall grant the

H-6054

-6-

H-6054

Page 7

1 vacation request only if it is in the best interest of
2 the child. The supreme court shall prescribe rules to
3 establish a period of thirty days, which shall not be
4 waived or extended, in which a terminated or putative
5 biological parent may request a vacation or appeal of
6 a termination order."

7 36. Page 14, by striking lines 23 through 26 and
8 inserting the following:

9 "1. Any biological parent who chooses to identify
10 the other biological parent and who knowingly and
11 intentionally identifies a person who is not the other
12 biological parent in the written release of custody or
13 in any other document related to the termination of
14 parental rights proceedings is guilty of a simple
15 misdemeanor."

16 37. Page 14, line 28 by striking the words "one
17 hundred twenty-" and inserting the following:
18 "seventy-two-".

19 38. By striking page 14, line 30 through page 15,
20 line 1, and inserting the following:

21 "Sec. ____ . PENDING PROCEEDINGS UNAFFECTED. This
22 Act does not apply to a termination of parental rights
23 proceeding or an adoption proceeding pending on July
24 1, 1994."

25 39. Title page, by striking line 3 and inserting
26 the following: "penalties and an".

27 40. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6054 FILED APRIL 8, 1994

*House Concurred 4/14/94
(R 1599)*

HOUSE FILE 2377

H-6130

1 Amend the Senate amendment, H-6054, to House File
2 2377, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 6, by striking lines 7 through 11.
- 5 2. Page 7, by striking lines 16 through 18.
- 6 3. By renumbering as necessary.

By HALVORSON of Webster

H-6130 FILED APRIL 12, 1994

*Lost 4/14/94
(R 1599)*

HOUSE FILE 2377

H-6146

1 Amend the Senate amendment, H-6054, to House File
2 2377, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 30 the
5 following:

6 "_____. Page 4, by inserting before line 14 the
7 following:

8 "Sec. _____. NEW SECTION. 146A.1 NOTIFICATION OF
9 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A MINOR --
10 REQUIREMENTS -- EXCEPTIONS -- CRIMINAL PENALTY.

11 1. A person shall not perform an abortion on a
12 pregnant minor until at least forty-eight hours' prior
13 notification is provided to a parent of the minor.

14 2. The person who will perform the abortion shall
15 provide notification in person or by mailing the
16 notification by restricted certified mail to the
17 parent of the minor at the usual place of abode of the
18 parent. For the purposes of delivery by restricted
19 certified mail, the time of delivery is deemed to
20 occur at twelve o'clock noon on the next day on which
21 regular mail delivery takes place, subsequent to the
22 mailing.

23 3. For the purposes of this section, unless the
24 context otherwise requires:

25 a. "Abortion" means an abortion as defined in
26 chapter 146.

27 b. "Court" means the juvenile court.

28 c. "Medical emergency" means a condition that,
29 based on a physician's clinical judgment, so
30 complicates the medical condition of a pregnant minor
31 as to necessitate the immediate abortion of the
32 minor's pregnancy to avert the minor's death, or for
33 which a delay will create risk of substantial and
34 irreversible impairment of a major bodily function.

35 d. "Minor" means minor as defined in chapter 599.

36 e. "Parent" means one parent of the pregnant minor
37 or the pregnant minor's guardian or custodian.

38 4. Notification shall not be required under this
39 section if any of the following conditions apply:

40 a. The attending physician certifies that a
41 medical emergency existed. The attending physician
42 shall certify in writing the basis for the medical
43 judgment that a medical emergency existed and shall
44 make written certification available to a parent of
45 the minor prior to the abortion, if possible. If it
46 is not possible to provide a parent of the minor with
47 written certification prior to the abortion, the
48 physician shall provide the written certification to a
49 parent of the minor within twelve hours following the
50 performance of the abortion unless paragraph "b", "c",

H-6146

H-6146

Page 2

1 or "d" is applicable.

2 b. The abortion is authorized in writing by a
3 parent entitled to notification.

4 c. The pregnant minor declares that the pregnant
5 minor is a victim of child abuse pursuant to section
6 232.68, the person responsible for the care of the
7 child is a parent of the child, and the abuse has been
8 reported pursuant to the procedures prescribed in
9 chapter 232, division III, part 2, or a parent of the
10 child is named in a report of founded child abuse.
11 The department of human services shall maintain
12 confidentiality under chapter 232 regarding the
13 minor's pregnancy and abortion, if an abortion is
14 obtained.

15 d. The pregnant minor elects not to allow
16 notification of the pregnant minor's parent and a
17 court authorizes waiver of the notification
18 requirement following completion of the proceedings
19 prescribed under subsection 5.

20 5. If a pregnant minor objects to the notification
21 of a parent prior to the performance of an abortion on
22 the pregnant minor, the pregnant minor may petition
23 the court to authorize waiver of the notification
24 requirement pursuant to this section in accordance
25 with the following procedures:

26 a. The court shall ensure that the minor is
27 provided with assistance in preparing and filing the
28 petition for waiver of notification and shall ensure
29 that the minor's identity remains confidential.

30 b. The minor may participate in the court
31 proceedings on the minor's own behalf and the court
32 may appoint a guardian ad litem for the minor. The
33 court shall advise the minor of the minor's right to
34 court-appointed legal counsel, and shall, upon the
35 minor's request, provide the minor with court-
36 appointed legal counsel, at no cost to the minor.

37 c. The court proceedings shall be conducted in a
38 manner which protects the anonymity of the minor and
39 all court documents pertaining to the proceedings
40 shall remain confidential. Only the minor, the
41 minor's guardian ad litem, the minor's legal counsel,
42 and persons whose presence is specifically requested
43 by the minor, by the minor's guardian ad litem, or by
44 the minor's legal counsel may attend the hearing on
45 the petition.

46 d. The court proceedings under this section shall
47 be given precedence over other pending matters to
48 ensure that the court reaches a decision
49 expeditiously.

50 e. Upon petition and following an appropriate

H-6146

-2-

H-6146

Page 3

1 hearing, the court shall waive the notification
2 requirements if the court determines either of the
3 following:

4 (1) That the minor is mature and capable of
5 providing informed consent for the performance of an
6 abortion.

7 (2) That the minor is not mature, or does not
8 claim to be mature, but that notification is not in
9 the best interest of the minor.

10 f. The court shall issue specific factual findings
11 and legal conclusions, in writing, to support the
12 decision.

13 g. Upon conclusion of the hearing, the court shall
14 immediately issue a written order which shall be
15 provided immediately to the minor, the minor's
16 guardian ad litem, the minor's legal counsel, or any
17 other person designated by the minor to receive the
18 order.

19 h. An expedited, anonymous, confidential appeal
20 shall be available to a minor for whom the court
21 denies a petition for waiver of notification. An
22 order granting the minor's application for waiver of
23 notification is not subject to appeal. Access to the
24 appellate courts for the purpose of an appeal under
25 this section shall be provided to a minor twenty-four
26 hours a day, seven days a week.

27 i. The supreme court shall prescribe rules to
28 ensure that the proceedings under this section are
29 performed in an expeditious, anonymous, and
30 confidential manner.

31 j. A minor who chooses to utilize the waiver of
32 notification procedures under this subsection shall
33 not be required to pay a fee at any level of the
34 proceedings.

35 k. A person performing an abortion on a minor
36 under this chapter may inform the parent of the minor
37 of any necessary treatment resulting from
38 complications of the abortion procedure if, in the
39 judgment of the person, failure to inform the parent
40 would seriously jeopardize the health of the minor.

41 6. A person who performs an abortion in violation
42 of this section is guilty of a serious misdemeanor.

43 7. A person who harasses or interferes with a
44 minor seeking an abortion is guilty of a serious
45 misdemeanor.

46 8. Venue for proceedings under this section is in
47 any court in the state.

48 Sec. ____ . NEW SECTION. 232.5 ABORTION PERFORMED
49 ON A MINOR -- PROCEEDINGS.

50 The court shall have exclusive jurisdiction over

H-6146

-3-

H-6146

Page 4

1 the authorization of an abortion on a minor pursuant
2 to section 146A.1."

3 2. Page 7, by inserting after line 24 the
4 following:

5 "_____. Title page, line 1, by inserting after the
6 word "to" the following: "parents and children
7 including"."

8 3. By renumbering as necessary.

By BODDICKER of Cedar

MERTZ of Kossuth

RUNNING of Linn

GARMAN of Story

H-6146 FILED APRIL 13, 1994

WITHDRAWN

4-14-94

HOUSE FILE 2377

H-6151

1 Amend the Senate amendment, H-6054, to House File
2 2377, as amended, passed, and reprinted by the House
3 as follows:

4 1. Page 1, by striking lines 5 through 19.

5 2. By striking page 4, line 15 through page 5,
6 line 5.

7 3. By renumbering as necessary.

By HURLEY of Fayette

H-6151 FILED APRIL 13, 1994

Adopted 4/14/94 (P1599)

HOUSE FILE 2377

H-6153

1 Amend the amendment, H-6146, to the Senate
 2 amendment, H-6054, to House File 2377, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, line 50, by inserting after the letter
 5 ""b", the following: ""bb",
 6 2. Page 2, by inserting after line 3 the
 7 following:
 8 "bb. The minor elects not to allow notification of
 9 the minor's parent and the pregnant minor provides
 10 documentation of notification of a grandparent, an
 11 aunt, an uncle, or a sibling of the minor who is over
 12 eighteen years of age."
 13 3. By relettering as necessary.

By HARPER of Black Hawk

H-6153 FILED APRIL 13, 1994

out of order 4-14-94
(P 1599)

HOUSE FILE 2377

H-6154

1 Amend the amendment, H-6146, to the Senate
 2 amendment, H-6054, to House File 2377, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 2, by striking lines 34 through 36 and
 5 inserting the following: "court-appointed legal
 6 counsel, and shall provide the minor with court-
 7 appointed legal counsel, at no cost to the minor. The
 8 minor's right to be represented by a court-appointed
 9 advocate or by a court-appointed legal counsel shall
 10 not be waived by the minor."

By NEUHAUSER of Johnson

H-6154 FILED APRIL 13, 1994

out of order
4-14-94

HOUSE FILE 2377

H-6155

1 Amend the amendment, H-6146, to the Senate
 2 amendment, H-6054, to House File 2377, as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 2, line 49, by inserting after the word
 5 "expeditiously." the following: "The court
 6 proceedings shall commence within twenty-four hours of
 7 the filing of a petition under this section."

By MARTIN of Scott
NEUHAUSER of Johnson

H-6155 FILED APRIL 13, 1994

out of order 4/14/94

HOUSE FILE 2377

H-6161

1 Amend the amendment, H-6146, to the Senate
 2 amendment, H-6054, to House File 2377 as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 2, by striking line 1 and inserting the
 5 following: "'d", or "e" is applicable."
 6 2. Page 2, by inserting after line 19 the
 7 following:
 8 "e. The minor elects to notify a responsible adult
 9 which includes a grandparent, an aunt, an uncle, or a
 10 sibling of the minor who is over eighteen years of
 11 age."
 12 3. Page 3, by inserting after line 40 the
 13 following:
 14 "5A. If the minor complies with subsection 4,
 15 paragraph "e", verification may be provided by either
 16 of the following means:
 17 a. A responsible adult, as designated, accompanies
 18 the minor during the performance of the abortion.
 19 b. A responsible adult, as designated, signs and
 20 dates a letter indicating the responsible adult's
 21 notification of the abortion."
 22 4. By renumbering as necessary.

By BERNAU of Story

H-6161 FILED APRIL 13, 1994

*out of order
4/14/94*

HOUSE FILE 2377

H-6162

1 Amend the amendment, H-6146, to the Senate
 2 amendment, H-6054, to House File 2377 as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, by inserting after line 13, the
 5 following:
 6 "1A. The person who will perform an abortion shall
 7 provide the pregnant minor seeking an abortion with
 8 written information regarding notification of a
 9 parent, regarding the availability of services to
 10 assist the minor in informing the minor's parent, and
 11 regarding assistance in seeking a waiver from the
 12 court, if the minor objects to the notification."
 13 2. By renumbering as necessary.

By OLLIE of Clinton
COHOON of Des Moines

H-6162 FILED APRIL 13, 1994

*out of order
4/14/94*

HOUSE FILE 2377

AN ACT

RELATING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION PROCEDURES, PROVIDING FOR APPLICABILITY OF THE ACT, PROVIDING PENALTIES AND AN APPLICABILITY PROVISION.

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

Section 1. Section 22.7, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 31. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to section 144.12A, except to the extent that the information may be provided to persons in accordance with section 144.12A.

Sec. 2. NEW SECTION. 144.12A DECLARATION OF PATERNITY REGISTRY.

1. As used in this section, unless the context otherwise requires:

- a. "Child" means a person under eighteen years of age for whom paternity has not been established.
- b. "Court" means the juvenile court.
- c. "Father" means the male, biological parent of a child.
- d. "Putative father" means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.
- e. "Registrant" means a person who has registered pursuant to this section and who claims to be the father of a child.
- f. "Registrar" means the state registrar of vital statistics.
- g. "Registry" means the declaration of paternity registry established in this section.

2. a. The registrar shall establish a declaration of paternity registry to record the name, address, social security number, and any other identifying information

required by rule of the department of a putative father who wishes to register under this section prior to the birth of a child and no later than the date of the filing of the petition for termination of parental rights.

b. The declaration does not constitute an affidavit of paternity filed pursuant to section 252A.3 and declarations filed shall be maintained by the registrar in a registry distinct from the registry used to maintain affidavits of paternity filed pursuant to section 252A.3. A declaration of paternity filed with the registry may be used as evidence of paternity in an action to establish paternity or to determine a support obligation with respect to the putative father.

c. Failure or refusal to file a declaration of paternity shall not be used as evidence to avoid a legally established obligation of financial support for a child.

3. A person who files a declaration of paternity with the registrar shall include in the declaration all of the following:

a. The person's name, current address, social security number, and any other identifying information requested by the department. If the person filing the declaration of paternity changes the person's address, the person shall notify the registrar of the new address in a manner prescribed by the department.

b. The name, last known address, and social security number, if known, of the mother of the child, or any other identifying information requested by the department.

c. The name of the child, if known, and the date and location of the birth of the child, if known.

d. The registrar shall accept a declaration of paternity filed in accordance with this section.

e. The registrar shall forward a copy of the declaration to the mother as notification that the person has registered with the registry.

f. The registrar shall accept and immediately register, upon receipt, a declaration of paternity without a fee and without the signature of the biological mother. The registrar

may charge a reasonable fee as established by rule of the department for processing searches of the registry.

4. The department shall, upon request, provide the name, address, social security number, and any other identifying information of a registrant to the biological mother of the child; a court; the department of human services; the attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action; or to the child support recovery unit for an action to establish paternity or support. The information shall not be divulged to any other person and shall be considered a confidential record as to any other person, except upon order of the court for good cause shown. If the registry has not received a declaration of paternity, the department shall provide a written statement to that effect to the person making the inquiry.

5. a. Information provided to the registry may be revoked by the registrant by submission of a written statement signed and acknowledged by the registrant before a notary public.

b. The statement shall include a declaration that to the best of the registrant's knowledge, the registrant is not the father of the named child or that paternity of the true father has been established.

c. Revocation shall be deemed a nullity and the information provided by the registrant shall be expunged.

d. Revocation is effective only following the birth of the child.

6. The department shall adopt rules necessary to implement and administer this section. The rules shall include establishment of sites throughout the state for local distribution of declaration of paternity registration forms.

Sec. 3. Section 232.116, subsection 1, paragraph d, subparagraph (3), Code Supplement 1993, is amended to read as follows:

(3) 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. For the purposes of this subparagraph, "significant and meaningful contact" includes but is not limited to the affirmative assumption by the parents of the duties encompassed by the role of being a parent. This affirmative duty, in addition to financial obligations, requires continued interest in the child, a genuine effort to complete the responsibilities prescribed in the case permanency plan, a genuine effort to maintain communication with the child, and requires that the parents establish and maintain a place of importance in the child's life.

Sec. 4. NEW SECTION. 232.168 ATTORNEY GENERAL TO ENFORCE.

The attorney general may, on the attorney general's own initiative, institute any criminal and civil actions and proceedings under this division, at whatever stage of placement necessary, to enforce the interstate compact on the placement of children, including, but not limited to, seeking enforcement of the provisions of the compact through the courts of a party state. The department of human services shall cooperate with the attorney general and shall refer any placement or proposed placement to the attorney general which may require enforcement measures.

Sec. 5. NEW SECTION. 238.43A CONTRACTS FOR SERVICES -- LIABILITY FOR COSTS.

An agency which enters into a contract with a referral agency to provide child placement services is liable for the costs of services which are paid prior to the provision of services, if the services are not subsequently provided.

Sec. 6. Section 600.1, Code 1993, is amended to read as follows:

600.1 CONSTRUCTION.

This chapter shall be construed liberally. The welfare best interest of the person to be adopted shall be the paramount consideration in interpreting this division. However, the interests of the adopting parents shall be given

due consideration in this interpretation. However, in determining the best interest of the person to be adopted and the interests of the adopting parents, any evidence of interests relating to a period of time during which the person to be adopted is placed with prospective adoptive parents and during which the placement is not in compliance with the law, adoption procedures, or any action by the court, shall not be considered in the determination.

Sec. 7. Section 600.9, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

600.9 REPORT OF EXPENDITURES.

1. a. A biological parent shall not receive any thing of value as a result of the biological parent's child or former child being placed with and adopted by another person, unless that thing of value is an allowable expense under subsection 2.

b. 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.

c. If the 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, the person is guilty of a simple misdemeanor.

2. An adoption petitioner of a minor person shall file with the court, prior to the adoption hearing, a full accounting of all disbursements of any thing of value paid or agreed to be paid by or on behalf of the petitioner in connection with the petitioned adoption. This accounting shall be made by a report prescribed by the court and shall be signed and verified by the petitioner. Only expenses incurred in connection with the following and any other expenses approved by the court are allowable:

- a. The birth of the minor person to be adopted
- b. Placement of the minor person with the adoption petitioner and legal expenses related to the termination of parental rights and adoption processes.

c. Pregnancy-related medical care received by the biological parents or the minor person during the pregnancy or delivery of the minor person and for medically necessary postpartum care for the biological parent and the minor person.

d. Living expenses of the mother, permitted in an amount not to exceed the cost of room and board or rent and food, and transportation, for medical purposes only, on a common carrier of persons or an ambulance, for no longer than thirty days after the birth of the minor person.

e. Costs of the counseling provided to the biological parents prior to the birth of the child, in accordance with section 600A.4, subsection 2, to the biological parents prior to the release of custody and any counseling provided to the biological parents for not more than sixty days after the birth of the child.

f. Living expenses of the minor person if the minor person is placed in foster care during the pendency of the termination of parental rights proceedings.

All payments for allowable expenses shall be made to the provider, if applicable, and not directly to the biological parents. The provisions of this subsection do not apply in a stepparent adoption.

Sec. 8. Section 600.11, subsection 2, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A person who has been granted visitation rights with the child to be adopted pursuant to section 598.35.

Sec. 9. Section 600.14, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The supreme court may adopt rules which provide for the expediting of contested cases under this chapter and chapter 600A.

Sec. 10. Section 600.16, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The provisions of this section also apply to information collected pursuant to section 600A.4.

pertaining to the family medical history, medical and developmental history, and social history of the person to be adopted.

Sec. 11. Section 600.16, subsection 3, Code 1993, is amended to read as follows:

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 for the first offense, a serious misdemeanor for a second offense, and an aggravated misdemeanor for a third or subsequent offense.

Sec. 12. Section 600A.1, Code 1993, is amended to read as follows:

600A.1 CONSTRUCTION.

This chapter shall be construed liberally. The welfare best interest of the child subject to the proceedings of this chapter shall be the paramount consideration in interpreting this chapter. However, the interests of the parents of this child or any natural person standing in the place of the parents to this child shall be given due consideration in this interpretation.

The best interest of a child requires that each biological parent affirmatively assume the duties encompassed by the role of being a parent. In determining whether a parent has affirmatively assumed the duties of a parent, the court shall consider, but is not limited to consideration of, the fulfillment of financial obligations, demonstration of continued interest in the child, demonstration of a genuine effort to maintain communication with the child, and demonstration of the establishment and maintenance of a place of importance in the child's life. Application of this chapter is limited to termination of parental rights proceedings and shall not apply to actions to establish paternity or to overcome established paternity.

Sec. 13. Section 600A.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. "Putative father" means a man who is alleged to be or who claims to be the biological father of a

child born to a woman to whom the man is not married at the time of birth of the child.

Sec. 14. Section 600A.4, subsection 2, Code 1993, is amended by adding the following new paragraphs after paragraph c and relettering the subsequent paragraphs:

NEW PARAGRAPH. d. Shall be preceded by the offering of three hours of counseling to the biological parents regarding the decision to release custody and the alternatives available to the biological parents in disposition of the child. The release of custody shall contain written acknowledgment of the offering of counseling to the biological parent and of acceptance or refusal of the counseling. If accepted, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody or the filing of a petition for termination of parental rights as applicable. Counseling shall be provided only by a person who is qualified under rules adopted by the department of human services which shall include a requirement that the person complete a minimum number of hours of training in the area of adoption-related counseling approved by the department or, in the alternative, that the person has a minimum level of experience, as determined by rule of the department, in the provision of adoption-related counseling. The counselor shall provide an affidavit, which shall be attached to the release of custody, certifying that the counselor has provided the biological parent with the requested counseling or that the biological parent has refused counseling prior to the signing of the release of custody and documentation that the person is qualified to provide the requested counseling as prescribed by this paragraph. The requirements of this paragraph do not apply to a release of custody which is executed for the purposes of a stepparent adoption.

NEW PARAGRAPH. e. Shall contain a notice to the biological parent that if the biological parent chooses to identify the other biological parent and knowingly and intentionally identifies a person who is not the other biological parent in the written release of custody or in any

other document related to the termination of parental rights proceedings, the biological parent who provides the incorrect identifying information is guilty of a simple misdemeanor.

NEW PARAGRAPH. f. Shall be accompanied by a report which includes, to the extent available, the complete family medical and social history of the person to be adopted including any known genetic, metabolic, or familial disorders and the complete medical and developmental history of the person to be adopted, and a social history of the minor child and the minor child's family but which does not disclose the identity of the biological parents of the person to be adopted. The social history may include but is not limited to the minor child's racial, ethnic, and religious background and a general description of the minor child's biological parents and an account of the minor child's prior and existing relationship with any relative, foster parent, or other individual with whom the minor child regularly lives or whom the child regularly visits.

A biological parent may also provide ongoing information to the adoptive parents, as additional medical or social history information becomes known, by providing information to the clerk of court, the department of human services, or the agency which made the placement, and may provide the current address of the biological parent. The clerk of court, the department of human services, or the agency which made the placement shall transmit the information to the adoptive parents if the address of the adoptive parents is known.

A person who furnishes a report required under this paragraph and the court shall not disclose any information upon which the report is based except as otherwise provided in this section and such a person is subject of the penalties provided in section 600.16, as applicable. A person who is the subject of any report may bring a civil action against a person who discloses the information in violation of this section.

Information provided under this paragraph shall not be used as evidence in any civil or criminal proceeding against a person who is the subject of the information.

The department shall prescribe forms designed to obtain the family medical and social history and shall provide the forms at no charge to any agency or person who executes a release of custody of the minor child or who files a petition for termination of parental rights. The existence of this report does not limit a person's ability to petition the court for release of records in accordance with other provisions of law.

Sec. 15. Section 600A.4, subsection 2, paragraph d, Code 1993, is amended to read as follows:

d g. Shall be signed, not less than seventy-two hours after the birth of the child to be released, by all living parents. The seventy-two hour minimum time period requirement shall not be waived.

Sec. 16. 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" and any putative father who files a declaration of paternity in accordance with section 144.12A, or any unknown putative father, if any, 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. 17. Section 600A.6, subsection 2, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who is appointed as a guardian ad litem for a minor child shall not also be the attorney for any party other than the minor child in any

proceeding involving the minor child. The guardian ad litem may make an independent investigation of the interest of the child and may cause witnesses to appear before the court to provide testimony relevant to the best interest of the minor child.

Sec. 18. Section 600A.6, subsections 5 and 6, Code 1993, are amended by striking the subsections and inserting in lieu thereof the following:

5. A necessary party whose identity is known but whose location or address is unknown or all unknown putative fathers, if any, shall be served by published notice in the form provided in this subsection. If the identity of a necessary party is known but the location of the necessary party is unknown, notice by publication shall also include the name of the necessary party. The child's actual or expected date of birth and place of birth shall also be stated in the notice. Notice by publication shall be served according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. Notice by publication shall be published once a week for two consecutive weeks in a medium which is reasonably expected to provide notice to the necessary party, the last publication to be not less than three days prior to the hearing on termination of parental rights. The notice shall be substantially in the following form:

TO: _____ (OR) ALL PUTATIVE FATHERS OF A CHILD (EXPECTED TO BE) BORN ON THE _____ DAY OF _____, IN _____, IOWA.

You are notified that there is now on file in the office of the clerk of court for _____ county, a petition in case number _____, which prays for a termination of your parent-child relationship to a child (expected to be) born on the _____ day of _____. For further details contact the clerk's office. The petitioner's attorney is _____.

You are notified that there will be a hearing on the petition to terminate parental rights before the Iowa District

Court For _____ County, at the Courthouse in _____, Iowa, at _____ .M. on the _____ day of _____, _____.

CLERK OF THE ABOVE COURT

Sec. 19. Section 600A.7, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If a putative father files a declaration of paternity pursuant to section 144.12A, the putative father or the mother of the child may request that paternity be established pursuant to section 600B.41 prior to the granting of a dismissal of the petition to terminate parental rights.

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

2. If an order is issued under subsection 1, paragraph "b" of this section, the juvenile court shall retain jurisdiction to change a guardian or custodian and to allow a terminated parent or any putative biological parent to request vacation or appeal of the termination order ~~if the child is not on placement-for-adoption-or-a-petition-for-adoption-of-the-child is-not-on-file~~ which request must be made within thirty days of issuance of the granting of the order. The period for request by a terminated parent or by a putative biological parent for vacation or appeal shall not be waived or extended and a vacation or appeal shall not be granted after the expiration of this period. The juvenile court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish a period of thirty days, which shall not be waived or extended, in which a terminated or putative biological parent may request a vacation or appeal of a termination order.

Sec. 21. NEW SECTION. 600A.9A TERMINATION PROCEDURES -- PENALTY FOR VIOLATION.

1. Any biological parent who chooses to identify the other biological parent and who knowingly and intentionally identifies a person who is not the other biological parent in the written release of custody or in any other document

related to the termination of parental rights proceedings is guilty of a simple misdemeanor.

2. Any person who accepts a release of custody under section 600A.4 prior to the expiration of the seventy-two-hour period required, is guilty of a serious misdemeanor.

Sec. 22. PENDING PROCEEDINGS UNAFFECTED. This Act does not apply to a termination of parental rights proceeding or an adoption proceeding pending on July 1, 1994.

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 2377, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 12 1994

TERRY E. BRANSTAD
Governor