

3/4/96 Do Pass
S-3/12/96 Human Services
S-3/19/96 Do Pass

JAN 11 1996
HUMAN RESOURCES

HOUSE FILE 2050
BY DODERER and BODDICKER

Passed House, Date 3-11-96 (p.622) Passed Senate, Date 4/11/96 (p.1332)
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0
Re Passed Hse Approved 4/29/96
91-0 4/15/96
(p.1423)

A BILL FOR

1 An Act relating to selection criteria preferences in the
2 placement of children for adoption by or through the
3 department of human services.

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

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HF 2050

1 Section 1. NEW SECTION. 600.7A ADOPTION SERVICES
2 PROVIDED BY OR THROUGH DEPARTMENT OF HUMAN SERVICES--
3 SELECTION OF ADOPTIVE PARENT CRITERIA.

4 The department of human services shall adopt rules which
5 provide that if adoption services are provided by or through
6 the department, notwithstanding any other selection of
7 adoptive parent criteria, the overriding criterion shall be a
8 preference for placing a child in a stable home environment as
9 expeditiously as possible.

10 EXPLANATION

11 This bill requires that the department of human services
12 adopt rules which require that, notwithstanding any other
13 adoptive parent selection criteria, the overriding factor in
14 the selection of an adoptive parent for a child being placed
15 for adoption by or through the department, is that the child
16 be placed in a stable family environment as expeditiously as
17 possible.

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HOUSE FILE 2050

S-5718

1 Amend House File 2050, as passed by the House, as
2 follows:

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

5 "Section 1. Section 135L.2, subsection 3, as
6 enacted by 1996 Iowa Acts, Senate File 13, section 2,
7 is amended to read as follows:

8 3. During the initial appointment between a
9 licensed physician and a pregnant minor, a licensed
10 physician, who is providing medical services to a
11 pregnant minor, shall offer the viewing of the video
12 and the written decision-making materials to the
13 pregnant minor, and shall obtain the signed and dated
14 certification form from the pregnant minor. If the
15 pregnant minor has previously been offered the viewing
16 of the video and the written decision-making materials
17 by another source, the licensed physician shall obtain
18 the completed certification form from the other source
19 to verify that the pregnant minor has been offered the
20 viewing of the video and the written decision-making
21 materials. A licensed physician shall not perform an
22 abortion on a pregnant minor prior to obtaining the
23 completed certification form from a pregnant minor.
24 ~~If the pregnant minor decides to terminate parental~~
25 ~~rights following the child's birth, a copy of the~~
26 ~~completed certification form shall be attached to the~~
27 ~~petition for termination of parental rights.~~

28 Sec. 2. Section 135L.4, subsection 3, paragraph d,
29 as enacted by 1996, Iowa Acts, Senate File 13, section
30 4, is amended to read as follows:

31 d. Notwithstanding any law or rule to the
32 contrary, the court proceedings under this section and
33 ~~section 135B.3~~ shall be given precedence over other
34 pending matters to ensure that the court reaches a
35 decision expeditiously.

36 Sec. 3. Section 135L.6, unnumbered paragraph 1, as
37 enacted by 1996 Iowa Acts, Senate File 13, section 6,
38 is amended to read as follows:

39 If a pregnant minor's attending physician certifies
40 in writing that a medical emergency exists which
41 necessitates the immediate performance of an abortion
42 on the pregnant minor, and which results in the
43 inapplicability of section 135L.2 with regard to the
44 required offering of the viewing of the video, ~~of~~
45 ~~section 135B.3 with regard to notification of a parent~~
46 ~~prior to the termination of parental rights of a~~
47 ~~pregnant minor for the purposes of placing the child~~
48 ~~for adoption,~~ or of section 135L.4 with regard to
49 notification of a parent prior to the performance of
50 an abortion on a pregnant minor, the attending

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1 physician shall do the following:

2 Sec. 4. Section 135L.6, subsection 2, paragraph e,
3 as enacted by 1996 Iowa Acts, Senate File 13, section
4 6, is amended to read as follows:

5 e. The pregnant minor elects not to allow
6 notification of the pregnant minor's parent and a
7 court authorizes waiver of the notification
8 requirement following completion of the proceedings
9 prescribed under section ~~135B.3~~ or 135L.4.

10 Sec. 5. Section 135L.7, subsections 1 and 2, as
11 enacted by 1996 Iowa Acts, Senate File 13, section 7,
12 are amended to read as follows:

13 1. Knowingly tenders a false original or copy of
14 the signed and dated certification form described in
15 section 135L.2, to be retained by the licensed
16 physician, or to be sent to the pregnant minor's
17 attending physician, ~~or to be attached to the~~
18 ~~termination of parental rights petition pursuant to~~
19 ~~section 135B.3.~~

20 2. Knowingly tenders a false original or copy of
21 the notification document mailed to a parent,
22 grandparent, or aunt or uncle of the pregnant minor
23 under this chapter, a false original or copy of the
24 written certification to be provided to a parent of a
25 pregnant minor pursuant to section 135L.6, or a false
26 original or copy of the order waiving notification
27 relative to the performance of an abortion on a
28 pregnant minor ~~or relative to the termination of~~
29 ~~parental rights of a pregnant minor.~~

30 Sec. 6. Section 232.5, as enacted by 1996 Iowa
31 Acts, Senate File 13, section 10, is amended to read
32 as follows:

33 232.5 ~~ADOPTION OF CHILD BORN TO A MINOR OR~~
34 ~~ABORTION PERFORMED ON A MINOR -- WAIVER OF~~
35 ~~NOTIFICATION PROCEEDINGS.~~

36 The court shall have exclusive jurisdiction over
37 the proceedings for the granting of an order for
38 waiver of the notification requirements relating to
39 ~~the adoption of a child born to a minor or to the~~
40 performance of an abortion on a minor pursuant to
41 ~~sections 135B.3 and section 135L.4."~~

42 2. Page 1, by inserting after line 9 the
43 following:

44 "Sec. ____ . Section 600A.6, Code 1995, is amended
45 by adding the following new subsection:

46 NEW SUBSECTION. 7. If a petition for the
47 termination of parental rights of a pregnant minor or
48 a minor who has given birth is filed, notice of the
49 termination hearing shall also be served upon a
50 custodial parent or a legal guardian or custodian of

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1 the pregnant minor or minor who has given birth in
2 accordance with the service of notice provisions of
3 this section. A custodial parent or a legal guardian
4 or custodian of the pregnant minor or minor who has
5 given birth is not a necessary party under this
6 section and the notice provided under this subsection
7 is for informational purposes only and shall not be
8 construed to confer any substantive rights on the
9 custodial parent or legal guardian or custodian of the
10 pregnant minor or minor who has given birth in
11 addition to those rights existing under current law.

12 Notice under this subsection shall be waived by the
13 court if the court determines that the pregnant minor
14 or minor who has given birth is capable of providing
15 consent to the termination of parental rights of the
16 minor child, that notification is not in the best
17 interest of the pregnant minor or minor who has given
18 birth or of the minor child, or that other good cause
19 exists for the waiver. Failure to provide notice to a
20 custodial parent or a legal guardian or custodian of
21 the pregnant minor or minor who has given birth does
22 not constitute good cause for revocation of a release
23 of custody and is not grounds for denial,
24 modification, vacation, or appeal of a termination of
25 parental rights order or of an interlocutory or final
26 adoption decree.

27 Sec. ____ . 1996 Iowa Acts, Senate File 13, sections
28 3, 11, 12, and 13, are repealed."

29 3. Title page, line 1, by inserting after the
30 word "to" the following: "adoption, including".

31 4. Title page, line 3, by inserting after the
32 word "services" the following: ", requirements
33 relating to the adoption of the child of a minor
34 parent, and providing a repeal".

By RANDAL J. GIANNETTO
LARRY MURPHY
ELAINE SZYMONIAK

MARY E. KRAMER
MERLIN E. BARTZ

S-5718 FILED APRIL 10, 1996

Adopted 4/11/96 (p. 1331)

SENATE AMENDMENT TO HOUSE FILE 2050

H-5927

1 Amend House File 2050, as passed by the House, as
2 follows:

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

5 "Section 1. Section 135L.2, subsection 3, as
6 enacted by 1996 Iowa Acts, Senate File 13, section 2,
7 is amended to read as follows:

8 3. During the initial appointment between a
9 licensed physician and a pregnant minor, a licensed
10 physician, who is providing medical services to a
11 pregnant minor, shall offer the viewing of the video
12 and the written decision-making materials to the
13 pregnant minor, and shall obtain the signed and dated
14 certification form from the pregnant minor. If the
15 pregnant minor has previously been offered the viewing
16 of the video and the written decision-making materials
17 by another source, the licensed physician shall obtain
18 the completed certification form from the other source
19 to verify that the pregnant minor has been offered the
20 viewing of the video and the written decision-making
21 materials. A licensed physician shall not perform an
22 abortion on a pregnant minor prior to obtaining the
23 completed certification form from a pregnant minor.
24 ~~If the pregnant minor decides to terminate parental~~
25 ~~rights following the child's birth, a copy of the~~
26 ~~completed certification form shall be attached to the~~
27 ~~petition for termination of parental rights.~~

28 Sec. 2. Section 135L.4, subsection 3, paragraph d,
29 as enacted by 1996, Iowa Acts, Senate File 13, section
30 4, is amended to read as follows:

31 d. Notwithstanding any law or rule to the
32 contrary, the court proceedings under this section and
33 ~~section 135B.3~~ shall be given precedence over other
34 pending matters to ensure that the court reaches a
35 decision expeditiously.

36 Sec. 3. Section 135L.6, unnumbered paragraph 1, as
37 enacted by 1996 Iowa Acts, Senate File 13, section 6,
38 is amended to read as follows:

39 If a pregnant minor's attending physician certifies
40 in writing that a medical emergency exists which
41 necessitates the immediate performance of an abortion
42 on the pregnant minor, and which results in the
43 inapplicability of section 135L.2 with regard to the
44 required offering of the viewing of the video, ~~of~~
45 ~~section 135B.3 with regard to notification of a parent~~
46 ~~prior to the termination of parental rights of a~~
47 ~~pregnant minor for the purposes of placing the child~~
48 ~~for adoption,~~ or of section 135L.4 with regard to
49 notification of a parent prior to the performance of
50 an abortion on a pregnant minor, the attending

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1 physician shall do the following:

2 Sec. 4. Section 135L.6, subsection 2, paragraph e,
3 as enacted by 1996 Iowa Acts, Senate File 13, section
4 6, is amended to read as follows:

5 e. The pregnant minor elects not to allow
6 notification of the pregnant minor's parent and a
7 court authorizes waiver of the notification
8 requirement following completion of the proceedings
9 prescribed under section ~~135B.3~~ or 135L.4.

10 Sec. 5. Section 135L.7, subsections 1 and 2, as
11 enacted by 1996 Iowa Acts, Senate File 13, section 7,
12 are amended to read as follows:

13 1. Knowingly tenders a false original or copy of
14 the signed and dated certification form described in
15 section 135L.2, to be retained by the licensed
16 physician, or to be sent to the pregnant minor's
17 attending physician, ~~or to be attached to the~~
18 ~~termination of parental rights petition pursuant to~~
19 ~~section 135B.3.~~

20 2. Knowingly tenders a false original or copy of
21 the notification document mailed to a parent,
22 grandparent, or aunt or uncle of the pregnant minor
23 under this chapter, a false original or copy of the
24 written certification to be provided to a parent of a
25 pregnant minor pursuant to section 135L.6, or a false
26 original or copy of the order waiving notification
27 relative to the performance of an abortion on a
28 pregnant minor ~~or relative to the termination of~~
29 ~~parental rights of a pregnant minor.~~

30 Sec. 6. Section 232.5, as enacted by 1996 Iowa
31 Acts, Senate File 13, section 10, is amended to read
32 as follows:

33 232.5 ~~ADOPTION OF CHILD BORN TO A MINOR OR~~
34 ~~ABORTION PERFORMED ON A MINOR -- WAIVER OF~~
35 ~~NOTIFICATION PROCEEDINGS.~~

36 The court shall have exclusive jurisdiction over
37 the proceedings for the granting of an order for
38 waiver of the notification requirements relating to
39 ~~the adoption of a child born to a minor or to the~~
40 performance of an abortion on a minor pursuant to
41 ~~sections 135B.3 and section 135L.4.~~

42 2. Page 1, by inserting after line 9 the
43 following:

44 "Sec. _____. Section 600A.6, Code 1995, is amended
45 by adding the following new subsection:

46 NEW SUBSECTION. 7. If a petition for the
47 termination of parental rights of a pregnant minor or
48 a minor who has given birth is filed, notice of the
49 termination hearing shall also be served upon a
50 custodial parent or a legal guardian or custodian of

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1 the pregnant minor or minor who has given birth in
2 accordance with the service of notice provisions of
3 this section. A custodial parent or a legal guardian
4 or custodian of the pregnant minor or minor who has
5 given birth is not a necessary party under this
6 section and the notice provided under this subsection
7 is for informational purposes only and shall not be
8 construed to confer any substantive rights on the
9 custodial parent or legal guardian or custodian of the
10 pregnant minor or minor who has given birth in
11 addition to those rights existing under current law.

12 Notice under this subsection shall be waived by the
13 court if the court determines that the pregnant minor
14 or minor who has given birth is capable of providing
15 consent to the termination of parental rights of the
16 minor child, that notification is not in the best
17 interest of the pregnant minor or minor who has given
18 birth or of the minor child, or that other good cause
19 exists for the waiver. Failure to provide notice to a
20 custodial parent or a legal guardian or custodian of
21 the pregnant minor or minor who has given birth does
22 not constitute good cause for revocation of a release
23 of custody and is not grounds for denial,
24 modification, vacation, or appeal of a termination of
25 parental rights order or of an interlocutory or final
26 adoption decree.

27 Sec. ____ . 1996 Iowa Acts, Senate File 13, sections
28 3, 11, 12, and 13, are repealed."

29 3. Title page, line 1, by inserting after the
30 word "to" the following: "adoption, including".

31 4. Title page, line 3, by inserting after the
32 word "services" the following: ", requirements
33 relating to the adoption of the child of a minor
34 parent, and providing a repeal".

RECEIVED FROM THE SENATE

H-5927 FILED APRIL 11, 1996

House concurred 4/15/96 (p. 1622)

H-5948

1 Amend the Senate amendment, H-5927, to House File
2 2050, as passed by the House, as follows:

3 1. Page 1, by striking lines 5 through 27 and
4 inserting the following:

5 "Section 1. Section 135L.2, as enacted by 1996
6 Iowa Acts, Senate File 13, section 2, is amended to
7 read as follows:

8 135L.2 PROSPECTIVE MINOR PARENTS DECISION-MAKING
9 ASSISTANCE PROGRAM ESTABLISHED.

10 1. A decision-making assistance program is created
11 to provide assistance to minors in making informed
12 decisions relating to pregnancy. The program shall
13 offer and include ~~all-of-the-following:~~

14 ~~a.--(1)--A video, to be developed by a person~~
15 ~~selected through a request for proposals process or~~
16 ~~other contractual agreement, which provides~~
17 ~~information regarding the various options available to~~
18 ~~a pregnant minor with regard to the pregnancy,~~
19 ~~including a decision to continue the pregnancy to term~~
20 ~~and retain parental rights following the child's~~
21 ~~birth, a decision to continue the pregnancy to term~~
22 ~~and place the child for adoption following the child's~~
23 ~~birth, and a decision to terminate the pregnancy~~
24 ~~through abortion.--The video shall provide the~~
25 ~~information in a manner and language, including but~~
26 ~~not limited to, the use of closed captioning for the~~
27 ~~hearing impaired, which could be understood by a~~
28 ~~minor.~~

29 ~~(2)--The video shall explain that public and~~
30 ~~private agencies are available to assist a pregnant~~
31 ~~minor with any alternative chosen.~~

32 ~~(3)--The video shall explain that if the pregnant~~
33 ~~minor decides to continue the pregnancy to term, and~~
34 ~~to retain parental rights to the child, the father of~~
35 ~~the child is liable for the support of the child.~~

36 ~~(4)--The video shall explain that tendering false~~
37 ~~documents is a fraudulent practice in the fourth~~
38 ~~degree pursuant to section 135b.7.~~

39 b.--Written written decision-making materials which
40 include all of the following:

41 ~~(1) a. Information regarding the options described~~
42 ~~in the video including information regarding the~~
43 ~~agencies and programs available to provide assistance~~
44 ~~to the pregnant minor in parenting a child;~~
45 ~~information relating to adoption including but not~~
46 ~~limited to information regarding child-placing~~
47 ~~agencies; and information regarding abortion including~~
48 ~~but not limited to the legal requirements relative to~~
49 ~~the performance of an abortion on a pregnant minor.~~
50 The information provided shall include information

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1 explaining that if a pregnant minor decides to
2 continue the pregnancy to term and to retain parental
3 rights, the father of the child is liable for the
4 support of the child and that if the pregnant minor
5 seeks public assistance on behalf of the child, the
6 pregnant minor shall, and if the pregnant minor is not
7 otherwise eligible as a public assistance recipient,
8 the pregnant minor may, seek the assistance of the
9 child support recovery unit in establishing the
10 paternity of the child, and in seeking support
11 payments for a reasonable amount of the costs
12 associated with the pregnancy, medical support, and
13 maintenance from the father of the child, or if the
14 father is a minor, from the parents of the minor
15 father. The information shall include a listing of
16 the agencies and programs and the services available
17 from each.

18 (2) ~~b.~~ A workbook ~~which-is-to-be-used-in-viewing~~
19 ~~the-video-and~~ which includes a questionnaire and
20 exercises to assist a pregnant minor in ~~viewing-the~~
21 ~~video-and-in~~ considering the options available
22 regarding the minor's pregnancy.

23 (3) ~~c.~~ A detachable certification form to be
24 signed by the pregnant minor certifying that the
25 pregnant minor was offered ~~a-viewing-of-the-video-and~~
26 the written decision-making materials.

27 ~~2.--a.--The-video-shall-be-available-through-the~~
28 ~~state-and-local-offices-of-the-Iowa-department-of~~
29 ~~public-health,-the-department-of-human-services,-and~~
30 ~~the-judicial-department-and-through-the-office-of-each~~
31 ~~licensed-physician-who-performs-abortions.~~

32 ~~b.--The-video-may-be-available-through-the-office~~
33 ~~of-any-licensed-physician-who-does-not-perform~~
34 ~~abortions,-upon-the-request-of-the-physician,-through~~
35 ~~any-nonprofit-agency-serving-minors,-upon-the-request~~
36 ~~of-the-agency,-and-through-any-other-person-providing~~
37 ~~services-to-minors,-upon-the-request-of-the-person.~~

38 3. 2. During the initial appointment between a
39 licensed physician and a pregnant minor, a licensed
40 physician, who is providing medical services to a
41 pregnant minor, shall offer ~~the-viewing-of-the-video~~
42 ~~and~~ the written decision-making materials to the
43 pregnant minor, and shall obtain the signed and dated
44 certification form from the pregnant minor. If the
45 pregnant minor has previously been offered the ~~viewing~~
46 ~~of-the-video-and-the~~ written decision-making materials
47 by another source, the licensed physician shall obtain
48 the completed certification form from the other source
49 to verify that the pregnant minor has been offered ~~the~~
50 ~~viewing-of-the-video-and~~ the written decision-making

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1 materials. A licensed physician shall not perform an
2 abortion on a pregnant minor prior to obtaining the
3 completed certification form from a pregnant minor.
4 ~~If the pregnant minor decides to terminate parental~~
5 ~~rights following the child's birth, a copy of the~~
6 ~~completed certification form shall be attached to the~~
7 ~~petition for termination of parental rights.~~

8 4. 3. A pregnant minor shall be encouraged to
9 select a responsible adult, preferably a parent of the
10 pregnant minor, to accompany the pregnant minor in
11 ~~viewing the video and~~ receiving the decision-making
12 materials.

13 5. 4. To the extent possible and at the discretion
14 of the pregnant minor, the person responsible for
15 impregnating the pregnant minor shall also be involved
16 in the ~~viewing of the video and in the~~ receipt of
17 written decision-making materials.

18 6. 5. Following the offering of the ~~viewing of the~~
19 ~~video and of the~~ written decision-making materials,
20 the pregnant minor shall sign and date the
21 certification form attached to the materials, and
22 shall submit the completed form to the licensed
23 physician or provide the person making the offer with
24 information to send the completed form to the pregnant
25 minor's attending physician. The person offering the
26 ~~viewing of the video and the~~ decision-making materials
27 shall also provide a copy of the completed
28 certification form to the pregnant minor."

29 2. Page 1, line 28, by striking the word
30 "paragraph" and inserting the following: "paragraphs
31 b and".

32 3. Page 1, line 30, by striking the word "is" and
33 inserting the following: "are".

34 4. Page 1, by inserting after line 30 the
35 following:

36 "b. The pregnant minor may participate in the
37 court proceedings on the pregnant minor's own behalf.
38 The court may appoint a guardian ad litem for the
39 pregnant minor and the court shall appoint a guardian
40 ad litem for the pregnant minor if the pregnant minor
41 is not accompanied by a responsible adult ~~or if the~~
42 ~~pregnant minor has not viewed the video as provided~~
43 ~~pursuant to section 135B-2.~~ In appointing a guardian
44 ad litem for the pregnant minor, the court shall
45 consider a person licensed to practice psychology
46 pursuant to chapter 154B, a licensed social worker
47 pursuant to chapter 154C, a licensed marital and
48 family therapist pursuant to chapter 154D, or a
49 licensed mental health counselor pursuant to chapter
50 154D to serve in the capacity of guardian ad litem.

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1 The court shall advise the pregnant minor of the
2 pregnant minor's right to court-appointed legal
3 counsel, and shall, upon the pregnant minor's request,
4 provide the pregnant minor with court-appointed legal
5 counsel, at no cost to the pregnant minor."

6 5. Page 1, by inserting after line 35 the
7 following:

8 "Sec. _____. Section 135L.5, subsections 6 through
9 10, as enacted by the 1996 Iowa Acts, Senate File 13,
10 section 5, are amended to read as follows:

11 6. The advisory committee shall do all of the
12 following:

13 ~~a. Develop criteria for the selection of a person~~
14 ~~through a request for proposals process or other~~
15 ~~contractual agreement, to develop the video described~~
16 ~~in this chapter. Following receipt of applications,~~
17 ~~or upon agreement of a simple majority of the voting~~
18 ~~members to a contractual agreement, the advisory~~
19 ~~committee shall also select the recipient of the~~
20 ~~contract for development of the video.~~

21 ~~b. Develop criteria for information to be included~~
22 ~~in the video. The criteria shall, at a minimum,~~
23 ~~require that the person developing the video request~~
24 ~~input from a variety of interest groups and~~
25 ~~perspectives which have an interest in pregnancy-~~
26 ~~related issues and that the video present the various~~
27 ~~perspectives in an unbiased manner.~~

28 ~~c. Develop a process for and provide for the~~
29 ~~distribution of the video and develop confidentiality~~
30 ~~requirements relating to the persons involved in~~
31 ~~viewing the video.~~

32 ~~d. a. Promote use of the video and written~~
33 ~~decision-making materials through public service~~
34 ~~announcements and other media formats.~~

35 ~~e. b. Provide ongoing evaluation of the~~
36 ~~prospective minor parents decision-making assistance~~
37 ~~program including evaluation of the video and written~~
38 ~~document and of the notification and waiver system,~~
39 ~~and make recommendations for improvement.~~

40 ~~f. c. Receive input from the public regarding the~~
41 ~~program through the use of public hearings, focus~~
42 ~~groups, surveys, and other formats.~~

43 7. The committee, upon the advice of the Iowa
44 department of public health, may receive gifts,
45 grants, or donations for the purpose of implementing
46 and continuing the program.

47 ~~8. The advisory committee and the producer of the~~
48 ~~video shall attempt to complete and distribute the~~
49 ~~video for use not later than January 1, 1997.~~

50 9. 8. The advisory committee shall submit a report

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1 to the general assembly on or before January 8, 1997,
2 regarding the progress of the committee in completing
3 the committee's duties ~~regarding-the-development-and~~
4 ~~distribution-of-the-video.~~

5 ~~to~~ 9. The Iowa department of public health shall
6 provide administrative support to the advisory
7 committee."

8 6. Page 1, by striking lines 43 and 44 and
9 inserting the following: "inapplicability of section
10 ~~135L.2-with-regard-to-the-required-offering-of-the~~
11 ~~viewing-of-the-video-of~~".

12 7. Page 1, line 48, by striking the words "or of -
13 section" and inserting the following: "~~or-of~~
14 section".

15 8. Page 3, by inserting after line 26 the
16 following:

17 "Sec. ____ . 1996 Iowa Acts, Senate File 13, section
18 14, is amended to read as follows:

19 SEC. 14. EFFECTIVE DATE. The section of this Act
20 which creates section 135L.5 relating to the
21 establishment of the advisory committee, being deemed
22 of immediate importance, takes effect upon enactment.
23 The advisory committee shall be appointed within sixty
24 days of the enactment of this Act and may begin
25 performing committee duties prior to the beginning of
26 the official commencement of the terms of the
27 committee members as provided in section 135L.5 as
28 created in this Act.

29 If the advisory committee created pursuant to
30 section 135L.5 has completed its duties ~~regarding-the~~
31 ~~development-and-distribution-of-the-video~~ pursuant to
32 section 135L.2 prior to January 1, 1997, the remainder
33 of this Act takes effect January 1, 1997. However,
34 even if the advisory committee has not completed its
35 duties prior to January 1, 1997, ~~and-the-video-is-not~~
36 ~~developed-and-distributed-prior-to-January-1, 1997,~~
37 the remaining sections of this Act, exclusive of the
38 section which creates section 135L.5, and exclusive of
39 the section and provisions which relate to
40 development, distribution, and offering of ~~the-video~~
41 ~~and~~ the written decision-making materials, take effect
42 January 1, 1997.

43 Sec. ____ . 1996 Iowa Acts, Senate File 13, section
44 15, is amended to read as follows:

45 SEC. 15. REPEAL -- ADVISORY COMMITTEE. Section
46 135L.5 is repealed effective January 1, 1999~~-or-two~~
47 ~~years-following-the-distribution-date-of-the-video-as~~
48 ~~determined-by-the-advisory-committee,whichever-is~~
49 ~~later.~~"

50 9. By renumbering as necessary.

By DODERER of Johnson
GRUNDBERG of Polk
DINKLA of Guthrie

METCALF of Polk
MARTIN of Scott
HARPER of Black Hawk

H-5948 FILED APRIL 12, 1996

Post 4/15/96 (p. 1622)

HOUSE FILE 2050

AN ACT

RELATING TO ADOPTION, INCLUDING SELECTION CRITERIA PREFERENCES
IN THE PLACEMENT OF CHILDREN FOR ADOPTION BY OR THROUGH THE
DEPARTMENT OF HUMAN SERVICES, REQUIREMENTS RELATING TO THE
ADOPTION OF THE CHILD OF A MINOR PARENT, AND PROVIDING A
REPEAL.

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

Section 1. Section 135L.2, subsection 3, as enacted by
1996 Iowa Acts, Senate File 13, section 2, is amended to read
as follows:

3. During the initial appointment between a licensed
physician and a pregnant minor, a licensed physician, who is
providing medical services to a pregnant minor, shall offer
the viewing of the video and the written decision-making
materials to the pregnant minor, and shall obtain the signed
and dated certification form from the pregnant minor. If the
pregnant minor has previously been offered the viewing of the

video and the written decision-making materials by another
source, the licensed physician shall obtain the completed
certification form from the other source to verify that the
pregnant minor has been offered the viewing of the video and
the written decision-making materials. A licensed physician
shall not perform an abortion on a pregnant minor prior to
obtaining the completed certification form from a pregnant
minor. ~~if-the-pregnant-minor-decides-to-terminate-parental
rights-following-the-child's-birth,-a-copy-of-the-completed
certification-form-shall-be-attached-to-the-petition-for
termination-of-parental-rights-~~

Sec. 2. Section 135L.4, subsection 3, paragraph d, as
enacted by 1996 Iowa Acts, Senate File 13, section 4, is
amended to read as follows:

d. Notwithstanding any law or rule to the contrary, the
court proceedings under this section ~~and-section-135B-3~~ shall
be given precedence over other pending matters to ensure that
the court reaches a decision expeditiously.

Sec. 3. Section 135L.6, unnumbered paragraph 1, as enacted
by 1996 Iowa Acts, Senate File 13, section 6, is amended to
read as follows:

If a pregnant minor's attending physician certifies in
writing that a medical emergency exists which necessitates the
immediate performance of an abortion on the pregnant minor,
and which results in the inapplicability of section 135L.2
with regard to the required offering of the viewing of the
video, ~~of-section-135B-3-with-regard-to-notification-of-a
parent-prior-to-the-termination-of-parental-rights-of-a
pregnant-minor-for-the-purposes-of-placing-the-child-for
adoption,~~ or of section 135L.4 with regard to notification of
a parent prior to the performance of an abortion on a pregnant
minor, the attending physician shall do the following:

Sec. 4. Section 135L.6, subsection 2, paragraph e, as
enacted by 1996 Iowa Acts, Senate File 13, section 6, is
amended to read as follows:

e. The pregnant minor elects not to allow notification of the pregnant minor's parent and a court authorizes waiver of the notification requirement following completion of the proceedings prescribed under section ~~135B.3~~ or 135L.4.

Sec. 5. Section 135L.7, subsections 1 and 2, as enacted by 1996 Iowa Acts, Senate File 13, section 7, are amended to read as follows:

1. Knowingly tenders a false original or copy of the signed and dated certification form described in section 135L.2, to be retained by the licensed physician, or to be sent to the pregnant minor's attending physician, ~~or to be attached to the termination of parental rights petition pursuant to section 135B.3.~~

2. Knowingly tenders a false original or copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor under this chapter, a false original or copy of the written certification to be provided to a parent of a pregnant minor pursuant to section 135L.6, or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor ~~or relative to the termination of parental rights of a pregnant minor.~~

Sec. 6. Section 232.5, as enacted by 1996 Iowa Acts, Senate File 13, section 10, is amended to read as follows:

232.5 ~~ADOPTION OF CHILD BORN TO A MINOR OR~~ ABORTION PERFORMED ON A MINOR -- WAIVER OF NOTIFICATION PROCEEDINGS.

The court shall have exclusive jurisdiction over the proceedings for the granting of an order for waiver of the notification requirements relating to ~~the adoption of a child born to a minor or to~~ the performance of an abortion on a minor pursuant to ~~sections 135B.3 and~~ section 135L.4.

Sec. 7. NEW SECTION. 600.7A ADOPTION SERVICES PROVIDED BY OR THROUGH DEPARTMENT OF HUMAN SERVICES -- SELECTION OF ADOPTIVE PARENT CRITERIA.

The department of human services shall adopt rules which provide that if adoption services are provided by or through the department, notwithstanding any other selection of adoptive parent criteria, the overriding criterion shall be a preference for placing a child in a stable home environment as expeditiously as possible.

Sec. 8. Section 600A.6, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If a petition for the termination of parental rights of a pregnant minor or a minor who has given birth is filed, notice of the termination hearing shall also be served upon a custodial parent or a legal guardian or custodian of the pregnant minor or minor who has given birth in accordance with the service of notice provisions of this section. A custodial parent or a legal guardian or custodian of the pregnant minor or minor who has given birth is not a necessary party under this section and the notice provided under this subsection is for informational purposes only and shall not be construed to confer any substantive rights on the custodial parent or legal guardian or custodian of the pregnant minor or minor who has given birth in addition to those rights existing under current law.

Notice under this subsection shall be waived by the court if the court determines that the pregnant minor or minor who has given birth is capable of providing consent to the termination of parental rights of the minor child, that notification is not in the best interest of the pregnant minor or minor who has given birth or of the minor child, or that other good cause exists for the waiver. Failure to provide notice to a custodial parent or a legal guardian or custodian of the pregnant minor or minor who has given birth does not constitute good cause for revocation of a release of custody and is not grounds for denial, modification, vacation, or appeal of a termination of parental rights order or of an interlocutory or final adoption decree.

Sec. 9. 1996 Iowa Acts, Senate File 13, sections 3, 11, 12, and 13, are repealed.

RON J. CORBETT
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 2050, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/29, 1996

TERRY E. BRANSTAD
Governor

HF 2050