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SENATE FILE 13
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and MURPHY

Passed Senate, Date ^(p.88) 1/12/95 Passed House, Date 2/9/95 ^(p.390)
Vote: Ayes 40 Nays 10 Vote: Ayes 70 Nays 26
Approved March 22, 1996

A BILL FOR

1 An Act relating to the establishment of a decision-making process
2 for prospective minor parents, providing penalties, and
3 providing effective dates.

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

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SR 13

1 Section 1. NEW SECTION. 135L.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise

3 requires:

4 1. "Abortion" means an abortion as defined in chapter 146.

5 2. "Adult" means a person eighteen years of age or older.

6 3. "Court" means the juvenile court.

7 4. "Emancipated minor" means a person under eighteen years
8 of age who has been or is married.

9 5. "Medical emergency" means a condition that, based on a
10 physician's clinical judgment, so complicates the medical
11 condition of a pregnant minor as to necessitate the immediate
12 abortion of the minor's pregnancy to avert the minor's death,
13 or for which a delay will create a risk of substantial and
14 irreversible impairment of a major bodily function.

15 6. "Minor" means a person under eighteen years of age who
16 has not been and is not married.

17 7. "Parent" means one parent of a pregnant minor, an adult
18 sibling of a pregnant minor, or an adult member of a pregnant
19 minor's family within the second degree of consanguinity.

20 8. "Responsible adult" means an adult, who is not
21 associated with an abortion provider, chosen by a pregnant
22 minor or emancipated pregnant minor to assist the minor in the
23 decision-making process established in this chapter.

24 Sec. 2. NEW SECTION. 135L.2 DECISION-MAKING PROCESS FOR
25 PROSPECTIVE MINOR PARENTS ESTABLISHED -- REQUIREMENTS.

26 1. A decision-making process for prospective minor parents
27 is created to provide assistance to minors and emancipated
28 minors in making informed decisions relating to pregnancy.

29 The process shall include all of the following:

30 a. The development of a video by a person selected through
31 a request for proposals process which provides information in
32 a manner and language which will be understood by a minor or
33 emancipated minor and which allows the opportunity for a
34 minor's or emancipated minor's questions to be answered. The
video shall present information regarding the various choices

1 available to a pregnant minor or emancipated pregnant minor
2 with regard to the pregnancy, including a decision to continue
3 the pregnancy to term and retain parental rights following the
4 child's birth, a decision to continue the pregnancy to term
5 and place the child for adoption following the birth of the
6 child, and a decision to terminate the pregnancy through
7 abortion. The video shall explain that public and private
8 agencies are available to assist a pregnant minor or
9 emancipated pregnant minor with any alternative chosen. A
10 listing of these agencies and the services available from each
11 shall be provided for the pregnant minor or emancipated
12 pregnant minor upon request. The video shall be available
13 through the library of each secondary school; the state and
14 local offices of the Iowa department of public health, the
15 department of human services, and the judicial department; the
16 office of each licensed physician, upon request of the
17 physician; nonprofit agencies serving youth, upon request of
18 the agency; and any other person providing services to youth,
19 upon request of the person.

20 b. A written decision-making document which accompanies
21 the video, provides information regarding the choices
22 described in the video, and provides a questionnaire to assist
23 a pregnant minor or emancipated pregnant minor in reaching a
24 decision regarding the minor's or emancipated minor's
25 pregnancy.

26 c. Information presented in both the video and in the
27 written document which explains that tendering false documents
28 is a fraudulent practice in the fourth degree pursuant to
29 section 135L.7.

30 2. A pregnant minor or emancipated pregnant minor shall
31 choose a responsible adult to accompany the pregnant minor or
32 emancipated pregnant minor in viewing the video and completing
33 the written document.

34 3. To the extent possible and at the discretion of the
35 pregnant minor, the person responsible for impregnating the

1 pregnant minor or emancipated pregnant minor shall also be
2 involved in the viewing of the video and the completion of the
3 written document.

4 4. Following the viewing of the video and completion of
5 the written document, the pregnant minor, the emancipated
6 pregnant minor, and the responsible adult shall sign and date
7 the written document. The signed and dated document shall be
8 retained by the responsible adult and a copy of the document
9 shall be provided to the pregnant minor, to the emancipated
10 pregnant minor, and to the pregnant minor's attending
11 physician. If the pregnant minor decides to retain parental
12 rights following the child's birth, a copy of the signed and
13 dated document shall also be attached to the petition for
14 termination of parental rights.

15 5. The requirements of this section do not apply if the
16 pregnant minor's or emancipated pregnant minor's attending
17 physician certifies in writing that a medical emergency exists
18 which necessitates the immediate performance of an abortion in
19 accordance with section 135L.6.

20 6. Following the viewing of the video and the completion
21 of the written document, one of the following alternatives
22 shall apply to the pregnant minor:

23 a. If the pregnant minor chooses to continue the pregnancy
24 and retain the pregnant minor's parental rights following the
25 child's birth, the pregnant minor shall be provided with
26 information regarding the agencies and programs available to
27 provide assistance to the pregnant minor regarding health
28 care, housing, child care, and any other services related to
29 parenting a child.

30 b. If the pregnant minor chooses to continue the pregnancy
31 and terminate the pregnant minor's parental rights to the
32 child following the child's birth and place the child for
33 adoption, the pregnant minor shall be provided information
34 regarding adoption and is also subject to the notification
35 requirements of section 135L.3.

1 c. If the pregnant minor chooses to terminate the
2 pregnancy through abortion, the pregnant minor is subject to
3 the notification requirements of section 135L.4.

4 Sec. 3. NEW SECTION. 135L.3 NOTIFICATION OF PARENT OF
5 PREGNANT MINOR PRIOR TO THE ADOPTION OF THE CHILD.

6 Following the viewing of the video and completion of the
7 decision-making document pursuant to section 135L.2, a
8 pregnant minor who chooses to place the pregnant minor's child
9 for adoption is subject to the following conditions:

10 1. If the responsible adult is not also a parent of the
11 pregnant minor, the responsible adult shall assist the
12 pregnant minor in providing notification to a parent of the
13 pregnant minor. Notification shall be made at least twenty-
14 four hours prior to the conducting of the hearing on
15 termination of parental rights and shall be made in person or
16 by mailing the notification by restricted certified mail to
17 the parent of the pregnant minor at the usual place of abode
18 of the parent. For the purpose of delivery by restricted
19 certified mail, the time of delivery is deemed to occur at
20 twelve o'clock noon on the next day on which regular mail
21 delivery takes place, subsequent to the mailing.

22 2. If the pregnant minor objects to the notification of a
23 parent, the pregnant minor may petition the court to authorize
24 waiver of the notification requirement in accordance with the
25 following procedures:

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

30 b. The pregnant minor may participate in the court
31 proceedings on the pregnant minor's own behalf and the court
32 may appoint a guardian ad litem for the pregnant minor who may
33 be the responsible adult. The court shall advise the pregnant
34 minor of the pregnant minor's right to court-appointed legal
35 counsel and shall, upon the pregnant minor's request, provide

1 the pregnant minor with court-appointed legal counsel, at no
2 cost to the pregnant minor.

3 c. The court proceedings shall be conducted in a manner
4 which protects the anonymity of the pregnant minor and all
5 court documents pertaining to the proceedings shall remain
6 confidential. Only the pregnant minor, the pregnant minor's
7 guardian ad litem, the pregnant minor's legal counsel, and
8 persons whose presence is specifically requested by the
9 pregnant minor, by the pregnant minor's guardian ad litem, or
10 by the pregnant minor's legal counsel may attend the hearing
11 on the petition.

12 d. The court proceedings under this section and section
13 135L.4 shall be given precedence over other pending matters to
14 ensure that the court reaches a decision expeditiously.

15 e. Upon petition and following an appropriate hearing, the
16 court shall waive the notification requirements if the court
17 determines either of the following:

18 (1) That the pregnant minor is mature and capable of
19 providing informed consent to the termination of parental
20 rights for the purposes of adoption of the pregnant minor's
21 child.

22 (2) That the minor is not mature, or does not claim to be
23 mature, but that notification is not in the best interest of
24 the pregnant minor.

25 f. The court shall issue specific factual findings and
26 legal conclusions, in writing, to support the decision.

27 g. Upon conclusion of the hearing, the court shall
28 immediately issue a written order which shall be provided
29 immediately to the pregnant minor, the pregnant minor's
30 guardian ad litem, the pregnant minor's legal counsel, or any
31 other person designated by the pregnant minor to receive the
32 order.

33 h. An expedited, anonymous, confidential appeal shall be
34 available to a pregnant minor for whom the court denies a
35 petition for waiver of notification. An order granting the

1 pregnant minor's application for waiver of notification is not
2 subject to appeal. Access to the appellate courts for the
3 purpose of an appeal under this section shall be provided to a
4 pregnant minor twenty-four hours a day, seven days a week.

5 i. A pregnant minor who chooses to utilize the waiver of
6 notification procedures under this section shall not be
7 required to pay a fee at any level of the proceedings.

8 j. Venue for proceedings under this section is in any
9 court in the state.

10 k. The supreme court shall prescribe rules to ensure that
11 the proceedings under this section are performed in an
12 expeditious, anonymous, and confidential manner.

13 l. The requirements of this section do not apply if the
14 pregnant minor's attending physician certifies in writing that
15 a medical emergency exists which necessitates the immediate
16 performance of an abortion in accordance with section 135L.6.

17 m. A copy of the signed and dated decision-making
18 document, and a copy of the notification document mailed to a
19 parent or a copy of the order waiving notification, shall be
20 attached to the petition for termination of parental rights.

21 Sec. 4. NEW SECTION. 135L.4 NOTIFICATION OF PARENT PRIOR
22 TO THE PERFORMANCE OF ABORTION ON A PREGNANT MINOR --
23 REQUIREMENTS -- CRIMINAL PENALTY.

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

27 2. The person who will perform the abortion shall provide
28 notification in person or by mailing the notification by
29 restricted certified mail to the parent of the pregnant minor
30 at the usual place of abode of the parent. For the purpose of
31 delivery by restricted certified mail, the time of delivery is
32 deemed to occur at twelve o'clock noon on the next day on
33 which regular mail delivery takes place, subsequent to the
34 mailing.

35 3. If the pregnant minor objects to the notification of a

1 parent prior to the performance of an abortion on the pregnant
2 minor, the pregnant minor may petition the court to authorize
3 waiver of the notification requirement pursuant to this
4 section in accordance with the following procedures:

5 a. The court shall ensure that the pregnant minor is
6 provided with assistance in preparing and filing the petition
7 for waiver of notification and shall ensure that the pregnant
8 minor's identity remains confidential.

9 b. The pregnant minor may participate in the court
10 proceedings on the pregnant minor's own behalf and the court
11 may appoint a guardian ad litem for the pregnant minor. The
12 court shall advise the pregnant minor of the pregnant minor's
13 right to court-appointed legal counsel, and shall, upon the
14 pregnant minor's request, provide the pregnant minor with
15 court-appointed legal counsel, at no cost to the pregnant
16 minor.

17 c. The court proceedings shall be conducted in a manner
18 which protects the anonymity of the pregnant minor and all
19 court documents pertaining to the proceedings shall remain
20 confidential. Only the pregnant minor, the pregnant minor's
21 guardian ad litem, the pregnant minor's legal counsel, and
22 persons whose presence is specifically requested by the
23 pregnant minor, by the pregnant minor's guardian ad litem, or
24 by the pregnant minor's legal counsel may attend the hearing
25 on the petition.

26 d. The court proceedings under this section and section
27 135L.3 shall be given precedence over other pending matters to
28 ensure that the court reaches a decision expeditiously.

29 e. Upon petition and following an appropriate hearing, the
30 court shall waive the notification requirements if the court
31 determines either of the following:

32 (1) That the pregnant minor is mature and capable of
33 providing informed consent for the performance of an abortion.

34 (2) That the pregnant minor is not mature, or does not
35 claim to be mature, but that notification is not in the best

1 interest of the pregnant minor.

2 f. The court shall issue specific factual findings and
3 legal conclusions, in writing, to support the decision.

4 g. Upon conclusion of the hearing, the court shall
5 immediately issue a written order which shall be provided
6 immediately to the pregnant minor, the pregnant minor's
7 guardian ad litem, the pregnant minor's legal counsel, or to
8 any other person designated by the pregnant minor to receive
9 the order.

10 h. An expedited, anonymous, confidential appeal shall be
11 available to a pregnant minor for whom the court denies a
12 petition for waiver of notification. An order granting the
13 pregnant minor's application for waiver of notification is not
14 subject to appeal. Access to the appellate courts for the
15 purpose of an appeal under this section shall be provided to a
16 pregnant minor twenty-four hours a day, seven days a week.

17 i. A pregnant minor who chooses to utilize the waiver of
18 notification procedures under this section shall not be
19 required to pay a fee at any level of the proceedings.

20 j. Venue for proceedings under this section is in any
21 court in the state.

22 k. The supreme court shall prescribe rules to ensure that
23 the proceedings under this section are performed in an
24 expeditious, anonymous, and confidential manner.

25 l. The requirements of this section do not apply if the
26 pregnant minor's attending physician certifies in writing that
27 a medical emergency exists which necessitates the immediate
28 performance of an abortion in accordance with section 135L.6.

29 m. A person who performs an abortion in violation of this
30 section is guilty of a serious misdemeanor.

31 Sec. 5. NEW SECTION. 135L.5 PROSPECTIVE MINOR PARENT
32 PROGRAM ADVISORY COMMITTEE CREATED.

33 l. A prospective minor parent program advisory committee
34 is created which shall be composed of all of the following:

35 a. The following members appointed by the governor with

1 confirmation by the senate:

2 (1) A health care professional.

3 (2) A counselor.

4 (3) A representative of a child placing agency.

5 (4) A juvenile court judge.

6 (5) A minor who is at least fourteen but less than

7 eighteen years of age at the time of the appointment.

8 (6) A representative of an adolescent treatment program.

9 (7) A school nurse.

10 (8) A secondary school teacher.

11 (9) A parent.

12 (10) A member of the clergy.

13 (11) The director of public health, or the director's
14 designee.

15 b. The following nonvoting members:

16 (1) Two members of the senate appointed by the majority
17 leader of the senate after consultation with the minority
18 leader of the senate.

19 (2) Two members of the house of representatives appointed
20 by the speaker of the house after consultation with the
21 majority leader and the minority leader of the house.

22 (3) The director of human services, or the director's
23 designee.

24 (4) The director of the department of education, or the
25 director's designee.

26 2. If applicable, appointments shall be made based upon a
27 listing of nominees submitted to the governor by the
28 representative association of a professional or provider. The
29 governor shall appoint members who represent a variety of
30 philosophical views.

31 3. Members shall serve staggered terms of two years
32 beginning and ending pursuant to section 69.19. Appointments
33 shall comply with sections 69.16 and 69.16A. Vacancies shall
34 be filled by the original appointing authority and in the
35 manner of the original appointments.

1 4. Nonlegislative members shall receive actual expenses
2 incurred while serving in their official capacity and may also
3 be eligible to receive compensation as provided in section
4 7E.6. Legislative members shall receive compensation pursuant
5 to section 2.10.

6 5. The committee shall select a chairperson, annually,
7 from its membership. A majority of the members of the
8 committee constitutes a quorum.

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

10 a. Develop criteria for the selection of a person, through
11 a request for proposals process, to develop the video
12 described in this chapter. Following receipt of applications,
13 the advisory committee shall also select the recipient of the
14 contract for development of the video.

15 b. Develop criteria for information to be included in the
16 video. The criteria shall, at a minimum, require that the
17 person developing the video request input from a variety of
18 interest groups and perspectives which have an interest in
19 pregnancy-related issues and that the video present the
20 various perspectives in an unbiased manner.

21 c. Promote use of the video and written decision-making
22 document through public service announcements and other media
23 formats.

24 d. Provide ongoing evaluation of the prospective parent
25 decision-making process for minors program including
26 evaluation of the video and written document and of the
27 notification and waiver system, and make recommendations for
28 improvement.

29 e. Receive input from the public regarding the program
30 through the use of public hearings, focus groups, surveys, and
31 other formats.

32 7. Seek private funding for the implementation and
33 continuation of the program. The committee may also receive
34 gifts, grants, or donations for the purpose of implementing
35 and continuing the program.

1 8. The video shall be completed and distributed for use no
2 later than January 1, 1996.

3 Sec. 6. NEW SECTION. 135L.6 MEDICAL EMERGENCY EXCEPTION
4 -- ALTERNATIVE PROCEDURE.

5 1. If a pregnant minor's or emancipated pregnant minor's
6 attending physician certifies in writing that a medical
7 emergency exists which necessitates the immediate performance
8 of an abortion on the pregnant minor or emancipated pregnant
9 minor, which results in the inapplicability of section 135L.2
10 with regard to the required viewing of the video, of section
11 135L.3 with regard to notification of a parent prior to the
12 termination of parental rights of a pregnant minor for the
13 purposes of placing the child for adoption, or of section
14 135L.4 with regard to notification of a parent prior to the
15 performance of an abortion on a pregnant minor, the attending
16 physician shall do the following:

17 a. Certify in writing the basis for the medical judgment
18 that a medical emergency exists and make the written
19 certification available to a parent of the pregnant minor
20 prior to performance of the abortion, if possible.

21 b. If it is not possible to provide a parent of the
22 pregnant minor with written certification prior to performance
23 of the abortion under paragraph "a", the physician shall
24 provide the written certification to a parent of the pregnant
25 minor within twelve hours following the performance of the
26 abortion unless one of the following applies:

27 (1) The abortion is authorized in writing by a parent
28 entitled to notification.

29 (2) The pregnant minor declares that the pregnant minor is
30 a victim of child abuse pursuant to section 232.68, the person
31 responsible for the care of the child is a parent of the
32 child, and either the abuse has been reported pursuant to the
33 procedures prescribed in chapter 232, division III, part 2, or
34 a parent of the child is named in a report of founded child
35 abuse. The department of human services shall maintain

1 confidentiality under chapter 232 regarding the pregnant
2 minor's pregnancy and abortion, if an abortion is obtained.

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

7 Sec. 7. NEW SECTION. 135L.7 FRAUDULENT PRACTICE.

8 A person who does any of the following is guilty of
9 fraudulent practice in the fourth degree pursuant to section
10 714.12:

11 1. Knowingly signs the written document which accompanies
12 the video under section 135L.2, falsely certifying that the
13 person is a responsible adult if the person does not qualify
14 as a responsible adult under this chapter.

15 2. Knowingly tenders any of the following:

16 a. A false copy of the signed and dated decision-making
17 document to be sent to the pregnant minor's attending
18 physician or to be attached to the termination of parental
19 rights petition pursuant to section 135L.2.

20 b. A false copy of the notification document mailed to a
21 parent of a pregnant minor or a copy of the order waiving
22 notification relative to the termination of parental rights of
23 a pregnant minor.

24 c. A false copy of the notification document mailed to a
25 parent or a copy of the order waiving notification relative to
26 the performance of an abortion on a pregnant minor.

27 Sec. 8. NEW SECTION. 232.5 ADOPTION OF CHILD BORN TO A
28 MINOR OR ABORTION PERFORMED ON A MINOR -- WAIVER OF
29 NOTIFICATION PROCEEDINGS.

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

35 Sec. 9. Section 600A.4, subsection 4, Code 1995, is

1 amended to read as follows:

2 4. Either a parent who has signed a release of custody, or
3 a nonsigning parent, may, at any time prior to the entry of an
4 order terminating parental rights, request the juvenile court
5 designated in section 600A.5 to order the revocation of any
6 release of custody previously executed by either parent. If
7 such request is by a signing parent, and is within ninety-six
8 hours of the time such parent signed a release of custody, the
9 juvenile court shall order the release revoked. Otherwise,
10 the juvenile court shall order the release or releases revoked
11 only upon clear and convincing evidence that good cause exists
12 for revocation. Good cause for revocation includes but is not
13 limited to a showing that the release was obtained by fraud,
14 coercion, or misrepresentation of law or fact which was
15 material to its execution or a showing that a pregnant minor
16 to whom sections 135L.2 and 135L.3 is applicable failed to
17 comply with the requirements of those sections. In
18 determining whether good cause exists for revocation, the
19 juvenile court shall give paramount consideration to the best
20 interests of the child including avoidance of a disruption of
21 an existing relationship between a parent and child. The
22 juvenile court shall also give due consideration to the
23 interests of the parents of the child and of any person
24 standing in the place of the parents.

25 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
26 immediate importance, takes effect upon enactment. The
27 advisory committee established in section 135L.5 shall be
28 appointed within fifteen days of the effective date of this
29 Act.

30 Sec. 11. REPEAL -- ADVISORY COMMITTEE. Section 135L.5 is
31 repealed effective January 1, 1998, or two years following the
32 distribution date of the video as determined by the advisory
33 committee, whichever is later.

34 EXPLANATION

35 This bill establishes a decision-making process for

1 prospective minor parents program. The program consists of
2 the viewing of a video which includes the presentation of
3 information regarding various options which a pregnant minor
4 or emancipated pregnant minor has with regard to the pregnancy
5 including carrying the pregnancy to term and retaining
6 parental rights, carrying the pregnancy to term and placing
7 the child for adoption, and terminating the pregnancy through
8 abortion. The pregnant minor or emancipated pregnant minor is
9 required to view the video and complete the accompanying
10 written decision-making document with the assistance of a
11 responsible adult. For the purposes of the program, a
12 responsible adult is defined as an adult (a person 18 years of
13 age or older) chosen by the pregnant minor or emancipated
14 pregnant minor to be present during the viewing of the video
15 and completion of the decision-making document. Following the
16 viewing of the video and completion of the document, the
17 pregnant minor or emancipated pregnant minor and responsible
18 adult are required to sign and date the document, the document
19 is to be retained by the responsible adult and a copy of the
20 document is to be provided to the pregnant minor, to the
21 emancipated pregnant minor, and to the pregnant minor's
22 attending physician, and, if the pregnant minor decides to
23 carry the pregnancy to term and retain parental rights, a copy
24 of the document must be attached to the petition for
25 termination of parental rights. If the pregnant minor chooses
26 to carry the pregnancy to term and retain parental rights, the
27 pregnant minor is provided with information regarding the
28 agencies and programs available to provide assistance to the
29 pregnant minor regarding health care, housing, child care, and
30 any other services related to parenting a child. If the
31 pregnant minor chooses to carry the pregnancy to term and to
32 place the child for adoption, the pregnant minor is required,
33 with the assistance of the responsible adult, to notify one
34 parent, which for the purposes of the bill also includes an
35 adult sibling, or an adult member of the pregnant minor's

1 family within the second degree of consanguinity. The
2 pregnant minor is also provided with information regarding
3 adoption. If the pregnant minor chooses to terminate the
4 pregnancy through the performance of an abortion on the
5 pregnant minor, the pregnant minor's attending physician is
6 required to notify one parent, which for the purposes of the
7 bill also includes an adult sibling, or an adult member of the
8 pregnant minor's family within the second degree of
9 consanguinity. In the case of the choice of adoption or
10 abortion, a judicial waiver of notification procedure is
11 provided as an alternative to notification of a parent. The
12 bill specifies the elements of the waiver of notification
13 procedure. If a pregnant minor objects to notification of a
14 parent, the pregnant minor may petition the court, which is
15 defined in the bill as the juvenile court, to authorize waiver
16 of the notification requirement. Following a hearing on the
17 petition, the court may issue an order for waiver if the court
18 finds that either the pregnant minor is mature and capable of
19 providing informed consent for the performance of an abortion
20 or that the pregnant minor is not mature or does not claim to
21 be mature but that notification is not in the best interest of
22 the pregnant minor. For the purposes of the performance of an
23 abortion, a person who performs an abortion in violation of
24 the requirements of the bill is guilty of a serious
25 misdemeanor.

26 The bill also establishes an advisory committee composed of
27 a health care professional, a counselor, a representative of a
28 child placing agency, a juvenile court judge, a minor who is
29 at least 14 years of age but less than 18 years of age, a
30 representative of an adolescent treatment program, a school
31 nurse, a secondary school teacher, a parent, a member of the
32 clergy, and the director of public health or the director's
33 designee as voting members. The advisory committee also
34 includes, as nonvoting members, two members of the senate, two
35 members of the house of representatives, the director of human

1 services or the director's designee, and the director of the
2 department of education or the director's designee. The bill
3 specifies the duties of the committee which include
4 establishing the criteria for selection of a person to develop
5 the decision-making video and written document, establishment
6 of criteria for the information to be included in the video,
7 promotion of the use of the video and the decision-making
8 document, evaluation of the program, receipt of input from the
9 public, seeking of private funding for implementation and
10 continuation of the program, and receipt of gifts, grants, or
11 donations for implementation and continuation of the program.

12 The bill also provides for an alternative procedure if an
13 attending physician certifies that a medical emergency exists
14 and an abortion is performed on a pregnant minor prior to
15 notification of a parent of the pregnant minor.

16 The bill establishes the tendering of certain false
17 documents as a fraudulent practice in the fourth degree which
18 is a serious misdemeanor.

19 The bill provides that for the purpose of the judicial
20 waiver of notification procedures for notification of a parent
21 prior to adoption of a child born to a minor or of the
22 performance of an abortion on a minor, the juvenile court has
23 exclusive jurisdiction over these proceedings.

24 The bill also provides for revocation of a release of
25 custody of a child for good cause if the minor parent did not
26 comply with the requirements of the viewing of the video,
27 completion of the written decision-making document, and
28 notification or waiver of notification requirements prescribed
29 by the bill.

30 The bill takes effect upon enactment.

31 The section establishing the advisory committee is repealed
32 effective January 1, 1998, or two years following the
33 distribution date of the video, whichever is later.

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SENATE FILE 13
FISCAL NOTE

REQ. BY SENATOR HAMMOND

A fiscal note for **Senate File 13** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 13 requires that a decision-making process for prospective minor parents be established, including viewing of a video outlining options, responding to a questionnaire, and utilizing a decision-making document. Choices of relinquishing parental rights and placing the child for adoption or terminating pregnancy both require parental notification. The bill provides for exceptions to the notification requirement, including the provision of the issuance of an order by the juvenile court authorizing a waiver to the notification requirement.

The bill provides provision for the creation of a Program Advisory Committee to establish criteria for the video and decision-making documents, to receive input from the public, and to provide ongoing evaluation of the prospective parent decision-making process.

ASSUMPTIONS:

1. Approximately 1,300 abortions are performed on minors annually in Iowa.
2. Approximately 15.0% of those minors seeking abortions would seek a waiver from the juvenile court. This estimate is based on the experiences of the State of Kansas and the State of Wisconsin. Both of these states enacted similar legislation in July 92 and have experienced waiver requests of 13.2% and 8.4% respectively. The estimate is used because of differences in legislation and population.
3. The Iowa Courts would grant waivers at a rate similar to that in Minnesota (99.6%). Additionally, approximately 50.0% of those women denied the waiver are likely to appeal the decision. This rate would be higher than a 5-year experience in Minnesota due to activity in appeals courts. Thus, 0.2% of minors who request a judicial bypass would appeal the decision of the Juvenile Court.
4. Although the amendment does not state which government entity would be responsible for paying the costs for court-appointed counsel, the assumption is that the State would cover these expenses.
5. The fiscal effects assume that no expert witness would be used in the juvenile court hearings.
6. The fiscal effects do not take into account a change in the birth rate.
7. The fiscal effects do not take into account any costs associated with the medical complications that may arise due to either a delayed abortion or a

delivery.

8. There is no estimate available for the number of prospective minor parents choosing the adoption alternative who would seek a parental notification waiver.
9. The cost of the Advisory Committee would include 11 members at \$50 per day and four legislators at \$60 per day plus travel expenses. The number or length of meetings necessary is not specified, so it is not possible to estimate complete costs, other than the estimate of \$790.00 per day plus travel.
10. The production costs of the video required depend upon the criteria yet to be established by the committee, but minimally include contracting out for the original video production and reproducing the video for offices of judicial departments, public health departments, human services departments, secondary schools, and requests from physicians and agencies serving youth at an industry average of \$5.00 unit reproduction cost.
11. The viewing of the video would require video tape machines. It is currently unknown how many designated offices do not have the machines available. Minimally, the Judiciary Department does not have any video players available.
12. The decision-making document and questionnaire are required to be available at the video viewing. There is no estimate available for the number of these documents to be produced or distributed pending the committee's establishment of criteria and determination of the length of the documents.

FISCAL IMPACT:

The fiscal impact of Senate File 13 is a total effect on the General Fund of \$202,250 for FY 1996 and each subsequent year. The effect is listed in the following table.

	Per Case Cost	Number of Cases	Total
	-----	-----	-----
Juvenile Court Officer	\$ 64	195	\$ 12,480
District Court Judge	359	195	70,005
Court Reporter	90	195	17,550
Court Attendant	45	195	8,775
Court Appointed Council in District Court	250	195	48,750
Court Appointed Council in Appellate Court	250	1	250
Appellate Court Costs	\$44,440	1	\$ 44,440

TOTAL FISCAL IMPACT			\$202,250
			=====

SOURCES:

Department of Public Health

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Department of Human Services
Department of Justice
The Judicial Branch
Kansas Legislative Research Department
Minnesota House of Representatives Research Department
Nebraska Legislative Fiscal Office
Wisconsin Legislative Fiscal Bureau
American Journal of Public Health, May 1987
CQ Researcher, July 1991
Family Planning Perspectives, September 1991
Governing, April 1993
Journal of Adolescent Health, March 1991

(LSB 1475XS, MME)

FILED JANUARY 12, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 13
FISCAL NOTE

A fiscal note for Senate File 13 as amended by S-3055 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 13 as amended by S-3055 requires that a decision-making process for prospective minor parents be established, including viewing of a video outlining options, responding to a questionnaire, and utilizing a decision-making document. The termination of pregnancy requires parental notification. The bill provides for exceptions to the notification requirement, including the provision of the issuance of an order by the juvenile court authorizing a waiver to the notification requirement or the use of a court-appointed licensed marital and family therapist to provide services and make recommendations to the court. The bill provides provision for the creation of a Program Advisory Committee to establish criteria for the video and decision-making documents, to receive input from the public, and to provide ongoing evaluation of the prospective parent decision-making process.

ASSUMPTIONS:

1. Approximately 1,300 abortions are performed on minors annually in Iowa.
2. Without the counseling option, approximately 15.0% of those minors seeking abortions would seek a waiver from the juvenile court. This estimate is based on the experiences of the State of Kansas and the State of Wisconsin. Both of these states enacted similar legislation in July 1992 and have experienced waiver requests of 13.2% and 8.4% respectively. The estimate is used because of differences in legislation and population. It is unknown how the counseling option will effect the percent of pregnant minors seeking a judicial waiver.
3. Since the counseling option has not been documented in other states, it is unknown how this will effect the rate of judicial waivers granted. The judicial experts contacted stated that the judges will defer judgment to the counselor in nearly every instance. Mediation and counseling experts stated that the judges are more likely to defer to counseling than to rule on the case.
4. The Iowa Courts would grant waivers at a rate similar to that in Minnesota (99.6%). Approximately 50.0% of those women denied the waiver are likely to appeal the decision. This rate would be higher than a 5-year experience in Minnesota due to activity in appeals courts. Thus, 0.2% of minors who request a judicial bypass would appeal the decision of the Juvenile Court. The appellate process would presumably still be available to the pregnant minor if the therapist recommends, and the judge rules for notification, thus the therapist option would not effect the rate of appeals.

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5. Although the amendment does not state which government entity would be responsible for paying the costs for court-appointed legal counsel, the assumption is that the State would cover these expenses. The cost of the therapist is to be paid by the court.
6. The fiscal effects assume that no expert witness would be used in the juvenile court hearings.
7. The fiscal effects do not take into account a change in the birth rate.
8. The fiscal effects do not take into account any costs associated with the medical complications that may arise due to either a delayed abortion or a delivery.
9. The cost of the Advisory Committee would include 11 members at \$50 per day and four legislators at \$60 per day plus travel expenses. The number or length of meetings necessary is not specified, so it is not possible to estimate complete costs, other than the estimate of \$790.00 per day plus travel.
10. The production costs of the video required depend upon the criteria yet to be established by the committee, but minimally include contracting out for the original video production and reproducing the video for offices of judicial departments, public health departments, human services departments, secondary schools, and requests from physicians and agencies serving youth at an industry average of \$5.00 unit reproduction cost.
11. The viewing of the video would require video tape machines. It is currently unknown how many designated offices do not have the machines available. Minimally, the Judiciary Department does not have any video players available.
12. The decision-making document and questionnaire are required to be available at the video viewing. There is no estimate available for the number of these documents to be produced or distributed pending the committee's establishment of criteria and determination of the length of the documents.

FISCAL IMPACT:

The fiscal impact of Senate File 13 is a total effect on the General Fund of \$386,525 for FY 1996 and each subsequent year. The effect is listed in the following table.

	Per Case Cost	Number of Cases	Total
Juvenile Court Officer	\$ 64	195	\$ 12,480
District Court Judge	359	195	70,005
Court Reporter	90	195	17,550
Court Attendant	45	195	8,775
Court Appointed Council in District Court	250	195	48,750
Court Appointed Council	250	1	250

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in Appellate Court			
Appellate Court Costs	44,440	1	44,440
Court Appointed Therapist	945	195	184,275

TOTAL FISCAL IMPACT			\$386,525
			=====

SOURCES:

Department of Public Health
 Department of Human Services
 Department of Justice
 The Judicial Branch
 Iowa Mediation Services
 Lutheran Social Services
 Kansas Legislative Research Department
 Counseling for Growth and Change
 Minnesota House of Representatives Research Department
 Nebraska Legislative Fiscal Office
 Wisconsin Legislative Fiscal Bureau
American Journal of Public Health, May 1987
CQ Researcher, July 1991
Family Planning Perspectives, September 1991
Governing, April 1993
Journal of Adolescent Health, March 1991

(LSB 1475xs.2, MME)

FILED FEBRUARY 13, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 13
FISCAL NOTE

A fiscal note for SF 13 Conference Committee Report is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 13 as amended by the Conference Committee Report establishes a decision-making assistance program for prospective minor parents including a video, decision-making materials, and a certificate verifying completion. The Report requires prior parental notification for termination of pregnancy or termination of parental rights in the process of adoption, and provides for exceptions to the notification requirement, a judicial by-pass alternative, and an expedited appeal process for the prospective minor parent. The Report establishes a prospective minor parent program advisory committee to develop criteria for the video and decision-making documents, receive input from the public, and provide ongoing evaluation of the process. The Report defines fraudulent practice regarding false certification as a serious misdemeanor, requires the Department of Public Health to adopt rules for implementation, and provides an effective date.

ASSUMPTIONS:

1. Approximately 1,700 Iowa abortions are performed on minors annually.
2. Between 15.0% and 45.0% of those minors seeking abortions would seek a waiver from the court, based on rates in other states. Those states currently have a neighboring state without a notification law. If Iowa enacts a notification law, there will be no neighboring state in which an Iowa minor may obtain an abortion, potentially increasing the waiver percentage.
3. It is unknown how much the provision of family counseling will effect the rate of judicial waivers granted. Mediation and counseling experts stated that judges are more likely to deny a waiver with the knowledge the family will have assistance resolving differences.
4. The Iowa Courts would grant waivers at a rate lower than in comparison states given the provision of family counseling. It is unknown how many waivers would be denied. A reasonable range would be between 1.0% and 5.0%. Approximately 50.0% of those denied a waiver are likely to appeal the decision.
5. The costs of the guardian ad litem, the court-appointed legal counsel, assistance preparing the waiver petition, and the family therapist are to be paid by the courts.
6. The fiscal effects assume that no expert witness would be used in the court hearings and do not consider a change in the birth rate.

7. The fiscal effects do not take into account any costs associated with the medical complications that may arise due to either a delayed abortion or delivery.
8. No estimate can be determined concerning the number of pregnant minors which might petition the court for a waiver concerning relinquishing parental rights by choosing the adoption alternative. Any such case resulting in a denied waiver and appeal would add to estimated court costs.
9. The cost of the Advisory Committee would include 11 members at \$50 per day and four legislators at \$60 per day plus travel expenses. The number or length of meetings necessary is not specified, but with the tasks defined in the Bill, at least 10 meetings would be required at an estimated cost of \$790 per day plus travel for a total of \$7,900 plus travel.
10. The production costs of the video depend upon criteria yet to be established by the committee, but minimally include contracting for video production and reproducing for offices of judicial departments, public health departments, human services departments, specified physicians, and additional requests from physicians and agencies serving youth at an industry average of \$5.00 per unit for reproduction cost for a 30 minute video.
11. The viewing of the video would require video tape machines. It is currently unknown how many designated offices do not have the machines available. Minimally, the Judiciary Department does not have video players readily available.
12. The decision-making document and questionnaire are required to be available at the video viewing. There is no estimate available for the number of these documents to be produced or distributed pending the committee's establishment of criteria and determination of the length of the documents. Minimally, there should be one document available for every teen birth plus estimated abortion annually, for a minimum of 6,000 copies.

1 Section 1. NEW SECTION. 135L.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "Abortion" means an abortion as defined in chapter 146.

5 2. "Adult" means a person eighteen years of age or older.

6 3. "Court" means the juvenile court.

7 4. "Emancipated minor" means a person under eighteen years
8 of age who has been or is married.

9 5. "Medical emergency" means a condition that, based on a
10 physician's clinical judgment, so complicates the pregnancy or
11 the health of the minor as to require an immediate abortion.

12 6. "Minor" means a person under eighteen years of age who
13 has not been and is not married.

14 7. "Parent" means one parent or a legal guardian or
15 custodian of a pregnant minor, a grandparent of a pregnant
16 minor, an adult aunt or uncle of a pregnant minor, or an adult
17 sibling of a pregnant minor whether of the whole or half
18 blood.

19 8. "Responsible adult" means an adult, who is not
20 associated with an abortion provider, chosen by a pregnant
21 minor or emancipated pregnant minor to assist the minor in the
22 decision-making process established in this chapter.

23 Sec. 2. NEW SECTION. 135L.2 DECISION-MAKING PROCESS FOR
24 PROSPECTIVE MINOR PARENTS ESTABLISHED -- REQUIREMENTS.

25 1. A decision-making process for prospective minor parents
26 is created to provide assistance to minors and emancipated
27 minors in making informed decisions relating to pregnancy.

28 Participation in the decision-making process is required for
29 all pregnant minors who are not emancipated; however,
30 emancipated pregnant minors may and are encouraged to
31 participate in the decision-making process created by this
32 section. The process shall include all of the following:

33 a. The development of a video by a person selected through
34 a request for proposals process which provides information in
35 a manner and language which will be understood by a minor or

1 emancipated minor and which allows the opportunity for a
2 minor's or emancipated minor's questions to be answered. The
3 video shall present information regarding the various choices
4 available to a pregnant minor or emancipated pregnant minor
5 with regard to the pregnancy, including a decision to continue
6 the pregnancy to term and retain parental rights following the
7 child's birth, a decision to continue the pregnancy to term
8 and place the child for adoption following the birth of the
9 child, and a decision to terminate the pregnancy through
10 abortion. The video shall explain that public and private
11 agencies are available to assist a pregnant minor or
12 emancipated pregnant minor with any alternative chosen. With
13 regard to adoption, the video shall provide information
14 regarding all types of child placing agencies as defined in
15 section 238.2, including private, semipublic, and public
16 agencies or persons. A listing of these agencies and the
17 services available from each shall be provided to the pregnant
18 minor or emancipated pregnant minor upon request. The video
19 shall be available through the library of each secondary
20 school; the state and local offices of the Iowa department of
21 public health, the department of human services, and the
22 judicial department; the office of each licensed physician,
23 upon request of the physician; nonprofit agencies serving
24 youth, upon request of the agency; and any other person
25 providing services to youth, upon request of the person.

26 b. A written decision-making document which accompanies
27 the video, provides information regarding the choices
28 described in the video, and provides a questionnaire to assist
29 a pregnant minor or emancipated pregnant minor in reaching a
30 decision regarding the minor's or emancipated minor's
31 pregnancy.

32 c. Information presented in both the video and in the
33 written document which explains that tendering false documents
34 is a fraudulent practice in the fourth degree pursuant to
35 section 135L.7.

1 2. A pregnant minor or emancipated pregnant minor shall
2 choose a responsible adult to accompany the pregnant minor or
3 emancipated pregnant minor in viewing the video and completing
4 the written document.

5 3. To the extent possible and at the discretion of the
6 pregnant minor or emancipated pregnant minor, the person
7 responsible for impregnating the pregnant minor or emancipated
8 pregnant minor shall also be involved in the viewing of the
9 video and the completion of the written document.

10 4. Following the viewing of the video and completion of
11 the written document, the pregnant minor or the emancipated
12 pregnant minor, and the responsible adult shall sign and date
13 the written document. The signed and dated document shall be
14 retained by the responsible adult and a copy of the document
15 shall be provided to the pregnant minor, to the emancipated
16 pregnant minor, and to the pregnant minor's attending
17 physician. If the pregnant minor decides to terminate
18 parental rights following the child's birth, a copy of the
19 signed and dated document shall also be attached to the
20 petition for termination of parental rights. A responsible
21 adult who retains a copy of the document under this subsection
22 shall destroy the copy one year subsequent to the time of
23 completion of the document.

24 5. The requirements of this section relating to viewing of
25 the video and completion of the decision-making document by
26 the pregnant minor and a responsible adult do not apply if any
27 of the following applies:

28 (1) A parent of the pregnant minor authorizes the pregnant
29 minor's decision regarding the pregnancy, in writing, and a
30 copy of the written authorization is attached to the
31 termination of parental rights petition or is provided to the
32 attending physician prior to the performance of an abortion on
33 a minor.

34 (2) The pregnant minor's attending physician certifies in
35 writing that a medical emergency exists which necessitates the

1 immediate performance of an abortion in accordance with
2 section 135L.6.

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

12 (4) The pregnant minor declares that the pregnant minor is
13 a victim of sexual abuse as defined in chapter 709 and has
14 reported the sexual abuse to law enforcement.

15 6. Following the viewing of the video and the completion
16 of the written document, one of the following alternatives
17 shall apply to the pregnant minor, unless otherwise exempt
18 from these alternatives under this chapter:

19 a. If the pregnant minor chooses to continue the pregnancy
20 and retain the pregnant minor's parental rights following the
21 child's birth, the pregnant minor shall be provided with
22 information regarding the agencies and programs available to
23 provide assistance to the pregnant minor regarding health
24 care, housing, child care, and any other services related to
25 parenting a child.

26 b. If the pregnant minor chooses to continue the pregnancy
27 and terminate the pregnant minor's parental rights to the
28 child following the child's birth and place the child for
29 adoption, the pregnant minor shall be provided information
30 regarding adoption, including but not limited to information
31 regarding all types of child placing agencies as defined in
32 section 238.2, including private, semipublic, and public
33 agencies or persons, and is also subject to the notification
34 requirements of section 135L.3.

35 c. If the pregnant minor chooses to terminate the

1 pregnancy through abortion, the pregnant minor is subject to
2 the notification requirements of section 135L.4.

3 7. A responsible adult who is selected by a pregnant minor
4 or an emancipated pregnant minor under this chapter and who
5 complies in good faith with the duties of a responsible adult
6 under this chapter, is immune from any liability, civil or
7 criminal, which might result from and which is related to the
8 pregnancy of the pregnant minor or emancipated pregnant minor.

9 8. A person who discloses the identity of or who harasses
10 or intimidates a pregnant minor, an emancipated pregnant
11 minor, or a responsible adult participating in the decision-
12 making process under this section, is guilty of a serious
13 misdemeanor.

14 Sec. 3. NEW SECTION. 135L.3 NOTIFICATION OF PARENT OF
15 PREGNANT MINOR PRIOR TO THE ADOPTION OF THE CHILD.

16 Following the viewing of the video and completion of the
17 decision-making document pursuant to section 135L.2, a
18 pregnant minor who chooses to place the pregnant minor's child
19 for adoption is subject to the following conditions:

20 1. If the responsible adult is not also a parent of the
21 pregnant minor, the responsible adult shall assist the
22 pregnant minor in providing notification to a parent of the
23 pregnant minor. Notification shall be made at least twenty-
24 four hours prior to the conducting of the hearing on
25 termination of parental rights and shall be made in person or
26 by mailing the notification by restricted certified mail to
27 the parent of the pregnant minor at the usual place of abode
28 of the parent. For the purpose of delivery by restricted
29 certified mail, the time of delivery is deemed to occur at
30 twelve o'clock noon on the next day on which regular mail
31 delivery takes place, subsequent to the mailing.

32 2. If the pregnant minor objects to the notification of a
33 parent, the pregnant minor may petition the court to authorize
34 waiver of the notification requirement in accordance with the
35 following procedures:

1 a. The court shall ensure that the pregnant minor is
2 provided with assistance in preparing and filing the petition
3 for waiver of notification and shall ensure that the pregnant
4 minor's identity remains confidential.

5 b. The pregnant minor may participate in the court
6 proceedings on the pregnant minor's own behalf and the court
7 may appoint a guardian ad litem for the pregnant minor who may
8 be the responsible adult. The court shall advise the pregnant
9 minor of the pregnant minor's right to court-appointed legal
10 counsel and shall, upon the pregnant minor's request, provide
11 the pregnant minor with court-appointed legal counsel, at no
12 cost to the pregnant minor.

13 c. The court proceedings shall be conducted in a manner
14 which protects the anonymity of the pregnant minor and all
15 court documents pertaining to the proceedings shall remain
16 confidential. Only the pregnant minor, the pregnant minor's
17 guardian ad litem, the pregnant minor's legal counsel, and
18 persons whose presence is specifically requested by the
19 pregnant minor or by the pregnant minor's guardian ad litem,
20 or by the pregnant minor's legal counsel may attend the
21 hearing on the petition.

22 d. The court proceedings under this section and section
23 135L.4 shall be given precedence over other pending matters to
24 ensure that the court reaches a decision expeditiously.

25 e. Upon petition and following an appropriate hearing, the
26 court shall waive the notification requirements if the court
27 determines either of the following:

28 (1) That the pregnant minor is mature and capable of
29 providing informed consent to the termination of parental
30 rights for the purposes of adoption of the pregnant minor's
31 child.

32 (2) That the minor is not mature, or does not claim to be
33 mature, but that notification is not in the best interest of
34 the pregnant minor.

35 f. The court shall issue specific factual findings and

1 legal conclusions, in writing, to support the decision.

2 g. Upon conclusion of the hearing, the court shall
3 immediately issue a written order which shall be provided
4 immediately to the pregnant minor, the pregnant minor's
5 guardian ad litem, the pregnant minor's legal counsel, or any
6 other person designated by the pregnant minor to receive the
7 order.

8 h. An expedited, anonymous, confidential appeal shall be
9 available to a pregnant minor for whom the court denies a
10 petition for waiver of notification. An order granting the
11 pregnant minor's application for waiver of notification is not
12 subject to appeal. Access to the appellate courts for the
13 purpose of an appeal under this section shall be provided to a
14 pregnant minor twenty-four hours a day, seven days a week.

15 i. A pregnant minor who chooses to utilize the waiver of
16 notification procedures under this section shall not be
17 required to pay a fee at any level of the proceedings.

18 j. Venue for proceedings under this section is in any
19 court in the state.

20 k. The supreme court shall prescribe rules to ensure that
21 the proceedings under this section are performed in an
22 expeditious, anonymous, and confidential manner.

23 1. The requirements of this section regarding notification
24 of a parent of a pregnant minor who chooses to place the
25 pregnant minor's child for adoption do not apply if any of the
26 following applies:

27 (1) A parent of the pregnant minor authorizes the pregnant
28 minor's decision, in writing, and a copy of the written
29 authorization is attached to the termination of parental
30 rights petition.

31 (2) The pregnant minor's attending physician certifies in
32 writing that a medical emergency exists which necessitates the
33 immediate performance of an abortion in accordance with
34 section 135L.6.

35 (3) The pregnant minor declares that the pregnant minor is

1 a victim of child abuse pursuant to section 232.68, the person
2 responsible for the care of the child is a parent of the
3 child, and either the abuse has been reported pursuant to the
4 procedures prescribed in chapter 232, division III, part 2, or
5 a parent of the child is named in a report of founded child
6 abuse. The department of human services shall maintain
7 confidentiality under chapter 232 regarding the pregnant
8 minor's pregnancy.

9 (4) The pregnant minor declares that the pregnant minor is
10 a victim of sexual abuse as defined in chapter 709 and has
11 reported the sexual abuse to law enforcement.

12 m. A copy of the signed and dated decision-making
13 document, and a copy of the notification document mailed to a
14 parent or a copy of the order waiving notification, shall be
15 attached to the petition for termination of parental rights,
16 unless the pregnant minor is otherwise exempt from obtaining
17 any of these documents under this chapter.

18 Sec. 4. NEW SECTION. 135L.4 NOTIFICATION OF PARENT PRIOR
19 TO THE PERFORMANCE OF ABORTION ON A PREGNANT MINOR --
20 REQUIREMENTS -- CRIMINAL PENALTY.

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

24 2. The person who will perform the abortion shall provide
25 notification in person or by mailing the notification by
26 restricted certified mail to the parent of the pregnant minor
27 at the usual place of abode of the parent. For the purpose of
28 delivery by restricted certified mail, the time of delivery is
29 deemed to occur at twelve o'clock noon on the next day on
30 which regular mail delivery takes place, subsequent to the
31 mailing.

32 3. If the pregnant minor objects to the notification of a
33 parent prior to the performance of an abortion on the pregnant
34 minor, the pregnant minor may petition the court to authorize
35 waiver of the notification requirement pursuant to this

1 section in accordance with the following procedures:

2 a. The court shall ensure that the pregnant minor is
3 provided with assistance in preparing and filing the petition
4 for waiver of notification and shall ensure that the pregnant
5 minor's identity remains confidential.

6 b. The pregnant minor may participate in the court
7 proceedings on the pregnant minor's own behalf and the court
8 may appoint a guardian ad litem for the pregnant minor. The
9 court shall advise the pregnant minor of the pregnant minor's
10 right to court-appointed legal counsel, and shall, upon the
11 pregnant minor's request, provide the pregnant minor with
12 court-appointed legal counsel, at no cost to the pregnant
13 minor.

14 c. The court proceedings shall be conducted in a manner
15 which protects the anonymity of the pregnant minor and all
16 court documents pertaining to the proceedings shall remain
17 confidential. Only the pregnant minor, the pregnant minor's
18 guardian ad litem, the pregnant minor's legal counsel, and
19 persons whose presence is specifically requested by the
20 pregnant minor, by the pregnant minor's guardian ad litem, or
21 by the pregnant minor's legal counsel may attend the hearing
22 on the petition.

23 d. The court proceedings under this section and section
24 135L.3 shall be given precedence over other pending matters to
25 ensure that the court reaches a decision expeditiously.

26 e. Upon petition and following an appropriate hearing, the
27 court shall waive the notification requirements if the court
28 determines either of the following:

29 (1) That the pregnant minor is mature and capable of
30 providing informed consent for the performance of an abortion.

31 (2) That the pregnant minor is not mature, or does not
32 claim to be mature, but that notification is not in the best
33 interest of the pregnant minor.

34 f. The court shall issue specific factual findings and
35 legal conclusions, in writing, to support the decision.

1 g. Upon conclusion of the hearing, the court shall
2 immediately issue a written order which shall be provided
3 immediately to the pregnant minor, the pregnant minor's
4 guardian ad litem, the pregnant minor's legal counsel, or to
5 any other person designated by the pregnant minor to receive
6 the order.

7 h. An expedited, anonymous, confidential appeal shall be
8 available to a pregnant minor for whom the court denies a
9 petition for waiver of notification. An order granting the
10 pregnant minor's application for waiver of notification is not
11 subject to appeal. Access to the appellate courts for the
12 purpose of an appeal under this section shall be provided to a
13 pregnant minor twenty-four hours a day, seven days a week.

14 i. A pregnant minor who chooses to utilize the waiver of
15 notification procedures under this section shall not be
16 required to pay a fee at any level of the proceedings.

17 j. Venue for proceedings under this section is in any
18 court in the state.

19 k. The supreme court shall prescribe rules to ensure that
20 the proceedings under this section are performed in an
21 expeditious, anonymous, and confidential manner.

22 1. The requirements of this section regarding notification
23 of a parent of a pregnant minor prior to the performance of an
24 abortion on a pregnant minor do not apply if any of the
25 following applies:

26 (1) The abortion is authorized in writing by a parent
27 entitled to notification.

28 (2) The pregnant minor's attending physician certifies in
29 writing that a medical emergency exists which necessitates the
30 immediate performance of an abortion in accordance with
31 section 135L.6.

32 (3) The pregnant minor declares that the pregnant minor is
33 a victim of child abuse pursuant to section 232.68, the person
34 responsible for the care of the child is a parent of the
35 child, and either the abuse has been reported pursuant to the

1 procedures prescribed in chapter 232, division III, part 2, or
2 a parent of the child is named in a report of founded child
3 abuse. The department of human services shall maintain
4 confidentiality under chapter 232 regarding the pregnant
5 minor's pregnancy and abortion, if the abortion is obtained.

6 (4) The pregnant minor declares that the pregnant minor is
7 a victim of sexual abuse as defined in chapter 709 and has
8 reported the sexual abuse to law enforcement.

9 m. A person who performs an abortion in violation of this
10 section is guilty of a serious misdemeanor.

11 Sec. 5. NEW SECTION. 135L.5 PROSPECTIVE MINOR PARENT
12 PROGRAM ADVISORY COMMITTEE CREATED.

13 1. A prospective minor parent program advisory committee
14 is created which shall be composed of all of the following:

15 a. The following members appointed by the governor with
16 confirmation by the senate:

17 (1) A health care professional.

18 (2) A counselor, who has expertise in sexual abuse
19 counseling.

20 (3) A representative of a child placing agency.

21 (4) A juvenile court judge.

22 (5) A minor who is at least fourteen but less than
23 eighteen years of age at the time of the appointment.

24 (6) A representative of an adolescent treatment program.

25 (7) A school nurse.

26 (8) A secondary school teacher.

27 (9) A parent.

28 (10) A member of the clergy.

29 (11) The director of public health, or the director's
30 designee.

31 b. The following nonvoting members:

32 (1) Two members of the senate appointed by the majority
33 leader of the senate after consultation with the minority
34 leader of the senate.

35 (2) Two members of the house of representatives appointed

1 by the speaker of the house after consultation with the
2 majority leader and the minority leader of the house.

3 (3) The director of human services, or the director's
4 designee.

5 (4) The director of the department of education, or the
6 director's designee.

7 2. If applicable, appointments shall be made based upon a
8 listing of nominees submitted to the governor by the
9 representative association of a professional or provider. The
10 governor shall appoint members who represent a variety of
11 philosophical views.

12 3. Members shall serve terms beginning pursuant to section
13 69.19. Appointments shall comply with sections 69.16 and
14 69.16A. Vacancies shall be filled by the original appointing
15 authority and in the manner of the original appointments.

16 4. Nonlegislative members shall receive actual expenses
17 incurred while serving in their official capacity and may also
18 be eligible to receive compensation as provided in section
19 7E.6. Legislative members shall receive compensation pursuant
20 to section 2.10.

21 5. The committee shall select a chairperson, annually,
22 from its membership. A majority of the members of the
23 committee constitutes a quorum.

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

25 a. Develop criteria for the selection of a person, through
26 a request for proposals process, to develop the video
27 described in this chapter. Following receipt of applications,
28 the advisory committee shall also select the recipient of the
29 contract for development of the video.

30 b. Develop criteria for information to be included in the
31 video. The criteria shall, at a minimum, require that the
32 person developing the video request input from a variety of
33 interest groups and perspectives which have an interest in
34 pregnancy-related issues and that the video present the
35 various perspectives in an unbiased manner.

1 c. Develop a process for and provide for the distribution
2 of the video and develop confidentiality requirements relating
3 to the persons involved in viewing the video.

4 d. Promote use of the video and written decision-making
5 document through public service announcements and other media
6 formats.

7 e. Provide ongoing evaluation of the prospective parent
8 decision-making process for minors program including
9 evaluation of the video and written document and of the
10 notification and waiver system, and make recommendations for
11 improvement.

12 f. Receive input from the public regarding the program
13 through the use of public hearings, focus groups, surveys, and
14 other formats.

15 7. The committee, upon the advice of the Iowa department
16 of public health, may receive gifts, grants, or donations for
17 the purpose of implementing and continuing the program.

18 8. The advisory committee and the producer of the video
19 shall attempt to complete and distribute the video for use not
20 later than January 1, 1996.

21 9. The Iowa department of public health shall provide
22 administrative support to the advisory committee.

23 Sec. 6. NEW SECTION. 135L.6 MEDICAL EMERGENCY EXCEPTION
24 -- ALTERNATIVE PROCEDURE.

25 1. If a pregnant minor's or emancipated pregnant minor's
26 attending physician certifies in writing that a medical
27 emergency exists which necessitates the immediate performance
28 of an abortion on the pregnant minor or emancipated pregnant
29 minor, which results in the inapplicability of section 135L.2
30 with regard to the required viewing of the video, of section
31 135L.3 with regard to notification of a parent prior to the
32 termination of parental rights of a pregnant minor for the
33 purposes of placing the child for adoption, or of section
34 135L.4 with regard to notification of a parent prior to the
35 performance of an abortion on a pregnant minor, the attending

1 physician shall do the following:

2 a. Certify in writing the basis for the medical judgment
3 that a medical emergency exists and make the written
4 certification available to a parent of the pregnant minor
5 prior to performance of the abortion, if possible.

6 b. If it is not possible to provide a parent of the
7 pregnant minor with written certification prior to performance
8 of the abortion under paragraph "a", the physician shall
9 provide the written certification to a parent of the pregnant
10 minor within twelve hours following the performance of the
11 abortion unless one of the following applies:

12 (1) The abortion is authorized in writing by a parent
13 entitled to notification.

14 (2) The pregnant minor declares that the pregnant minor is
15 a victim of child abuse pursuant to section 232.68, the person
16 responsible for the care of the child is a parent of the
17 child, and either the abuse has been reported pursuant to the
18 procedures prescribed in chapter 232, division III, part 2, or
19 a parent of the child is named in a report of founded child
20 abuse. The department of human services shall maintain
21 confidentiality under chapter 232 regarding the pregnant
22 minor's pregnancy and abortion, if an abortion is obtained.

23 (3) The pregnant minor declares that the pregnant minor is
24 a victim of sexual abuse as defined in chapter 709 and has
25 reported the sexual abuse to law enforcement.

26 (4) The pregnant minor elects not to allow notification of
27 the pregnant minor's parent and a court authorizes waiver of
28 the notification requirement following completion of the
29 proceedings prescribed under section 135L.3 or 135L.4.

30 2. An attending physician who certifies that a medical
31 emergency exists which necessitates the immediate performance
32 of an abortion on a pregnant minor or emancipated pregnant
33 minor, and who complies in good faith with the requirements of
34 this section, is immune from any liability, civil or criminal,
35 which might result from the attending physician's medical

1 decision.

2 Sec. 7. NEW SECTION. 135L.7 FRAUDULENT PRACTICE.

3 A person who does any of the following is guilty of
4 fraudulent practice in the fourth degree pursuant to section
5 714.12:

6 1. Knowingly signs the written document which accompanies
7 the video under section 135L.2, falsely certifying that the
8 person is a responsible adult if the person does not qualify
9 as a responsible adult under this chapter.

10 2. Knowingly tenders any of the following:

11 a. A false copy of the signed and dated decision-making
12 document to be sent to the pregnant minor's attending
13 physician or to be attached to the termination of parental
14 rights petition pursuant to section 135L.2.

15 b. A false copy of the notification document mailed to a
16 parent of a pregnant minor or a copy of the order waiving
17 notification relative to the termination of parental rights of
18 a pregnant minor.

19 c. A false copy of the notification document mailed to a
20 parent or a copy of the order waiving notification relative to
21 the performance of an abortion on a pregnant minor.

22 Sec. 8. NEW SECTION. 232.5 ADOPTION OF CHILD BORN TO A
23 MINOR OR ABORTION PERFORMED ON A MINOR -- WAIVER OF
24 NOTIFICATION PROCEEDINGS.

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

30 Sec. 9. Section 600A.4, subsection 4, Code 1995, is
31 amended to read as follows:

32 4. Either a parent who has signed a release of custody, or
33 a nonsigning parent, may, at any time prior to the entry of an
34 order terminating parental rights, request the juvenile court
35 designated in section 600A.5 to order the revocation of any

1 release of custody previously executed by either parent. If
2 such request is by a signing parent, and is within ninety-six
3 hours of the time such parent signed a release of custody, the
4 juvenile court shall order the release revoked. Otherwise,
5 the juvenile court shall order the release or releases revoked
6 only upon clear and convincing evidence that good cause exists
7 for revocation. Good cause for revocation includes but is not
8 limited to a showing that the release was obtained by fraud,
9 coercion, or misrepresentation of law or fact which was
10 material to its execution or a showing that a pregnant minor
11 to whom sections 135L.2 and 135L.3 is applicable failed to
12 comply with the requirements of those sections. In
13 determining whether good cause exists for revocation, the
14 juvenile court shall give paramount consideration to the best
15 interests of the child including avoidance of a disruption of
16 an existing relationship between a parent and child. The
17 juvenile court shall also give due consideration to the
18 interests of the parents of the child and of any person
19 standing in the place of the parents.

20 Sec. 10. EFFECTIVE DATE. Section 5 of this Act relating
21 to the establishment of the advisory committee, being deemed
22 of immediate importance, takes effect upon enactment. The
23 advisory committee shall be appointed within thirty days of
24 the effective date of this Act and may begin performing
25 committee duties prior to the beginning of the official
26 commencement of the terms of the committee members as provided
27 in section 5 of this Act.

28 The remainder of this Act takes effect January 1, 1996, if
29 the video, developed pursuant to section 135L.2 has been
30 distributed at that time, or thirty days following the
31 distribution of the video. If the distribution date is
32 subsequent to January 1, 1996, the advisory committee shall
33 submit written certification of the distribution date of the
34 video to the secretary of state, who shall attach the written
35 certification to the enrolled bill. Following submission of

1 written certification to the secretary of state, the advisory
2 committee shall also publicize the effective date of the
3 remainder of the Act to the general public.

4 Sec. 11. REPEAL -- ADVISORY COMMITTEE. Section 135L.5 is
5 repealed effective January 1, 1998, or two years following the
6 distribution date of the video as determined by the advisory
7 committee, whichever is later.

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S-3002

- 1 Amend Senate File 13 as follows:
- 2 1. Page 1, by striking lines 17 through 19, and
3 inserting the following:
- 4 "7. "Parent" means one parent of a pregnant minor,
5 a grandparent of a pregnant minor, an adult aunt or
6 uncle of a pregnant minor, or an adult sibling of a
7 pregnant minor whether of the whole or half blood."
- 8 2. Page 2, line 11, by striking the word "for"
9 and inserting the following: "to".
- 10 3. Page 3, line 5, by striking the word "minor,"
11 and inserting the following: "minor or".
- 12 4. Page 4, by inserting after line 3 the
13 following:
- 14 "7. A responsible adult who is selected by a
15 pregnant minor or an emancipated pregnant minor under
16 this chapter and who complies in good faith with the
17 duties of a responsible adult under this chapter, is
18 immune from any liability, civil or criminal, which
19 might result from and which is related to the
20 pregnancy of the pregnant minor or emancipated
21 pregnant minor."
- 22 5. Page 5, line 9, by striking the word "minor,"
23 and inserting the following: "minor or".
- 24 6. Page 9, by striking lines 31 and 32 and
25 inserting the following:
- 26 "3. Members shall serve terms beginning pursuant
27 to section 69.19. Appointments".
- 28 7. Page 12, by inserting after line 6 the
29 following:
- 30 "2. An attending physician who certifies that a
31 medical emergency exists which necessitates the
32 immediate performance of an abortion on a pregnant
33 minor or emancipated pregnant minor, and who complies
34 in good faith with the requirements of this section,
35 is immune from any liability, civil or criminal, which
36 might result from the attending physician's medical
37 decision."
- 38 8. Page 13, by striking lines 25 through 29, and
39 inserting the following:
- 40 "Sec. 10. EFFECTIVE DATE. Section 5 of this Act
41 relating to the establishment of the advisory
42 committee, being deemed of immediate importance, takes
43 effect upon enactment. The advisory committee shall
44 be appointed within fifteen days of the effective date
45 of this Act and may begin performing committee duties
46 prior to the beginning of the official commencement of
47 the terms of the committee members as provided in
48 section 5 of this Act.
- 49 The remainder of this Act takes effect January 1,
50 1996, if the video, developed pursuant to section

S-3002

1 135L.2 has been distributed at that time, or thirty
2 days following the distribution of the video. If the
3 distribution date is subsequent to January 1, 1996,
4 the advisory committee shall submit written
5 certification of the distribution date of the video to
6 the secretary of state, who shall attach the written
7 certification to the enrolled bill. Following
8 submission of written certification to the secretary
9 of state, the advisory committee shall also publicize
10 the effective date of the remainder of the Act to the
11 general public."

By COMMITTEE ON HUMAN RESOURCES
ELAINE SZYMONIAK, CHAIRPERSON

S-3002 FILED JANUARY 10, 1995

*1/12/95 Adopted
p. 89*

SENATE FILE 13

S-3006

1 Amend Senate File 13 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 146A.1 NOTIFICATION OF
5 PARENT BY MINOR ~~CONTEMPLATING AN ABORTION~~ --
6 REQUIREMENTS -- EXCEPTIONS.

7 1. A minor seeking or contemplating seeking an
8 abortion shall notify a parent of the minor of the
9 minor's intention and shall seek counseling from the
10 parent.

11 2. Notwithstanding subsection 1, if a minor is
12 unable to comply with the notification requirement
13 pursuant to subsection 1, because notification is not
14 in the best interest of the minor due to, but not
15 limited to, rape, incest, or the dysfunctional nature
16 of the minor's family, the minor may comply with the
17 requirement of subsection 1, by receiving counseling
18 from any of the following individuals, none of whom is
19 associated with an abortion provider, regarding the
20 alternatives available to the minor for managing the
21 pregnancy and verifying the receipt of counseling as
22 required in subsection 3:

23 a. A grandparent of the minor.

24 b. A physician licensed to practice medicine or
25 surgery pursuant to chapter 148, osteopathy pursuant
26 to chapter 150, or osteopathic medicine and surgery
27 pursuant to chapter 150A.

28 c. A psychologist licensed pursuant to chapter
29 154B.

30 d. A psychiatrist licensed pursuant to chapter
31 148.

32 e. A social worker licensed pursuant to chapter
33 154C.

34 f. A marital and family therapist licensed
35 pursuant to chapter 154D.

36 g. A person who practices as a registered nurse or
37 as a licensed practical nurse pursuant to chapter 152.

38 h. A physician assistant licensed pursuant to
39 chapter 148C.

40 i. A licensed advanced registered nurse
41 practitioner certified as a nurse-midwife.

42 j. A person ordained or designated as a leader of
43 a religious faith.

44 3. If a minor seeks to arrange an abortion, a
45 person performing the abortion shall not perform the
46 abortion unless the minor provides one of the
47 following forms of verification of compliance with
48 subsection 1 or 2:

49 a. If the minor complies with subsection 1,
50 verification may be provided by either of the

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1 following means:

2 (1) A parent accompanies the minor during the
3 performance of the abortion.

4 (2) A parent signs and dates a letter indicating
5 the parent's notification of the abortion.

6 b. If the minor complies with subsection 2, the
7 minor shall provide a form signed and dated by the
8 individual providing counseling, verifying receipt of
9 counseling by the minor.

10 4. A minor is not required to comply with
11 subsection 1 or 2 if the minor's attending physician
12 certifies that a medical emergency exists. If
13 noncompliance with either subsection is by reason of a
14 medical emergency, the attending physician shall
15 certify, in writing, in the minor's medical record,
16 the basis for the medical judgment that a medical
17 emergency existed.

18 5. For the purposes of this section:

19 a. "Abortion" means an abortion as defined in
20 section 146.1.

21 b. "Medical emergency" means a condition that,
22 based on a physician's good faith clinical judgment,
23 so complicates the medical condition of the minor as
24 to necessitate the immediate abortion of the minor's
25 pregnancy to avert the minor's death, or for which a
26 delay will create serious risk of substantial and
27 irreversible impairment of a major bodily function.

28 c. "Minor" means minor as defined in section
29 599.1.

30 d. "Parent" means one parent of the minor or the
31 minor's guardian or custodian.

32 6. A person who uses reasonable diligence in
33 providing counseling under subsection 2 and in
34 complying with the requirements of this section, is
35 immune from any liability, civil or criminal, which
36 might arise under this section."

37 2. Title page, by striking lines 1 through 3 and
38 inserting the following: "An Act relating to the
39 notification of a parent by a minor contemplating an
40 abortion and providing alternatives."

By JOHNIE HAMMOND

S-3006 FILED JANUARY 12, 1995

LOST

SENATE FILE 13

S-3007

1 Amend the amendment, S-3002, to Senate File 13 as
2 follows:

- A 3 1. Page 1, by inserting after line 1 the
4 following:
5 "____. Page 1, by striking lines 9 through 14 and
6 inserting the following:
7 "5. "Medical emergency" means a condition that,
8 based on a physician's clinical judgment, so
9 complicates the pregnancy or the health of the minor
10 as to require an immediate abortion.""
- B 11 2. Page 1, line 4, by inserting after the words
12 "one parent" the following: "or a legal guardian or
13 custodian".
- A 14 3. Page 1, by inserting after line 7 the
15 following:
16 "____. Page 1, line 28, by inserting after the
17 word "pregnancy." the following: "Participation in
18 the decision-making process is required for all
19 pregnant minors who are not emancipated; however,
20 emancipated pregnant minors may and are encouraged to
21 participate in the decision-making process created by
22 this section.""
- 23 4. Page 1, by inserting after line 9 the
24 following:
25 "____. Page 2, line 35, by inserting after the
26 word "minor" the following: "or emancipated pregnant
27 minor"."
- 28 5. Page 1, by inserting after line 11 the
29 following:
30 "____. Page 3, line 11, by striking the word
31 "retain" and inserting the following: "terminate".
32 _____. Page 3, line 14, by inserting after the word
33 "rights." the following: "A responsible adult who
34 retains a copy of the document under this subsection
35 shall destroy the copy one year subsequent to the time
36 of completion of the document."
37 _____. Page 3, by striking lines 15 through 19 and
38 inserting the following:
39 "5. The requirements of this section relating to
40 viewing of the video and completion of the decision-
41 making document by the pregnant minor and a
42 responsible adult do not apply if any of the following
43 applies:
44 (1) A parent of the pregnant minor authorizes the
45 pregnant minor's decision regarding the pregnancy, in
46 writing, and a copy of the written authorization is
47 attached to the termination of parental rights
48 petition or is provided to the attending physician
49 prior to the performance of an abortion on a minor.
50 (2) The pregnant minor's attending physician

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1 certifies in writing that a medical emergency exists
2 which necessitates the immediate performance of an
3 abortion in accordance with section 135L.6.

4 (3) 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 either the abuse
8 has been reported pursuant to the procedures
9 prescribed in chapter 232, division III, part 2, or a
10 parent of the child is named in a report of founded
11 child abuse. The department of human services shall
12 maintain confidentiality under chapter 232 regarding
13 the pregnant minor's pregnancy.

14 (4) The pregnant minor declares that the pregnant
15 minor is a victim of sexual abuse as defined in
16 chapter 709 and has reported the sexual abuse to law
17 enforcement."

18 _____. Page 3, line 22, by inserting after the word
19 "minor" the following: ", unless otherwise exempt
20 from these alternatives under this chapter"."

21 6. Page 1, by inserting after line 21 the
22 following:

23 "8. A person who discloses the identity of or who
24 harasses or intimidates a pregnant minor, an
25 emancipated pregnant minor, or a responsible adult
26 participating in the decision-making process under
27 this section, is guilty of a serious misdemeanor."

28 7. Page 1, by inserting after line 23 the
29 following:

30 "_____. Page 6, by striking lines 13 through 16 and
31 inserting the following:

32 "1. The requirements of this section regarding
33 notification of a parent of a pregnant minor who
34 chooses to place the pregnant minor's child for
35 adoption do not apply if any of the following applies:

36 (1) A parent of the pregnant minor authorizes the
37 pregnant minor's decision, in writing, and a copy of
38 the written authorization is attached to the
39 termination of parental rights petition.

40 (2) The pregnant minor's attending physician
41 certifies in writing that a medical emergency exists
42 which necessitates the immediate performance of an
43 abortion in accordance with section 135L.6.

44 (3) The pregnant minor declares that the pregnant
45 minor is a victim of child abuse pursuant to section
46 232.68, the person responsible for the care of the
47 child is a parent of the child, and either the abuse
48 has been reported pursuant to the procedures pre-
49 scribed in chapter 232, division III, part 2, or a
50 parent of the child is named in a report of founded

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Page 3

1 child abuse. The department of human services shall
2 maintain confidentiality under chapter 232 regarding
3 the pregnant minor's pregnancy.

4 (4) The pregnant minor declares that the pregnant
5 minor is a victim of sexual abuse as defined in
6 chapter 709 and has reported the sexual abuse to law
7 enforcement."

8 _____. Page 6, line 20, by inserting after the word
9 "rights" the following: ", unless the pregnant minor
10 is otherwise exempt from obtaining any of these
11 documents under this chapter".

12 _____. Page 8, by striking lines 25 through 28 and
13 inserting the following:

14 "1. The requirements of this section regarding
15 notification of a parent of a pregnant minor prior to
16 the performance of an abortion on a pregnant minor do
17 not apply if any of the following applies:

18 (1) The abortion is authorized in writing by a
19 parent entitled to notification.

20 (2) The pregnant minor's attending physician
21 certifies in writing that a medical emergency exists
22 which necessitates the immediate performance of an
23 abortion in accordance with section 135L.6.

24 (3) The pregnant minor declares that the pregnant
25 minor is a victim of child abuse pursuant to section
26 232.68, the person responsible for the care of the
27 child is a parent of the child, and either the abuse
28 has been reported pursuant to the procedures pre-
29 scribed in chapter 232, division III, part 2, or a
30 parent of the child is named in a report of founded
31 child abuse. The department of human services shall
32 maintain confidentiality under chapter 232 regarding
33 the pregnant minor's pregnancy and abortion, if the
34 abortion is obtained.

35 (4) The pregnant minor declares that the pregnant
36 minor is a victim of sexual abuse as defined in
37 chapter 709 and has reported the sexual abuse to law
38 enforcement."

39 _____. Page 9, line 3, by inserting after the word
40 "counselor" the following: ", who has expertise in
41 sexual abuse counseling".

42 8. Page 1, by inserting after line 27 the
43 following:

44 "_____. Page 10, by inserting after line 20 the
45 following:

46 "bb. Develop a process for and provide for the
47 distribution of the video and develop confidentiality
48 requirements relating to the persons involved in
49 viewing the video."

50 _____. Page 10, by striking lines 32 and 33 and

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Page 4

1 inserting the following:

2 "7. The committee, upon the advice of the Iowa
3 department of public health, may receive".

4 _____. Page 11, by striking lines 1 and 2 and

5 inserting the following:

6 "8. The advisory committee and the producer of the
7 video shall attempt to complete and distribute the
8 video for use not later than January 1, 1996.

9 9. The Iowa department of public health shall
10 provide administrative support to the advisory
11 committee."

12 _____. Page 12, by inserting after line 2 the
13 following:

14 "(3) The pregnant minor declares that the pregnant
15 minor is a victim of sexual abuse as defined in
16 chapter 709 and has reported the sexual abuse to law
17 enforcement."

18 _____. Page 12, line 3, by striking the letter "c."
19 and inserting the following: "(4)".

20 9. Page 1, line 44, by striking the word
21 "fifteen" and inserting the following: "thirty".

22 10. By renumbering, relettering, and correcting
23 internal references as necessary.

By ELAINE SZYMONIAK
MERLIN E. BARTZ

MARY E. KRAMER
LARRY MURPHY

S-3007 FILED JANUARY 12, 1995
DIV. A-ADOPTED, DIV. B-ADOPTED

SENATE FILE 13

S-3008

1 Amend the amendment, S-3002, to Senate File 13 as
2 follows:

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

5 "_____. Page 1, by inserting after line 8 the
6 following:

7 "4A. "Family member" means one parent of a
8 pregnant minor, a grandparent of a pregnant minor, an
9 adult aunt or uncle of a pregnant minor, or an adult
10 sibling, whether of the whole or half blood, of a
11 pregnant minor.""

12 2. Page 1, by striking lines 2 through 7 and
13 inserting the following:

14 "_____. Page 1, by striking lines 17 through 19."

15 3. Page 1, by inserting after line 21 the
16 following:

17 "_____. Page 4, line 4, by striking the word
18 "PARENT" and inserting the following: "FAMILY
19 MEMBER".

20 _____. Page 4, line 10, by striking the word
21 "parent" and inserting the following: "family
22 member".

23 _____. Page 4, line 12, by striking the word
24 "parent" and inserting the following: "family
25 member".

26 _____. Page 4, line 17, by striking the word
27 "parent" and inserting the following: "family
28 member".

29 _____. Page 4, line 23, by striking the word
30 "parent" and inserting the following: "family
31 member".

32 4. Page 1, by inserting after line 23 the
33 following:

34 "_____. Page 6, line 19, by striking the word
35 "parent" and inserting the following: "family
36 member".

37 _____. Page 6, line 21, by striking the word
38 "PARENT" and inserting the following: "FAMILY
39 MEMBER".

40 _____. Page 6, line 26, by striking the word
41 "parent" and inserting the following: "family
42 member".

43 _____. Page 6, line 29, by striking the word
44 "parent" and inserting the following: "family
45 member".

46 _____. Page 6, line 30, by striking the word
47 "parent" and inserting the following: "family
48 member".

49 _____. Page 7, line 1, by striking the word
50 "parent" and inserting the following: "family

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Page 2

- 1 member".
2 _____. Page 9, line 11, by striking the word
3 "parent" and inserting the following: "family
4 member".
5 5. Page 1, by inserting after line 27 the
6 following:
7 "_____. Page 11, line 11, by striking the word
8 "parent" and inserting the following: "family
9 member".
10 _____. Page 11, line 14, by striking the word
11 "parent" and inserting the following: "family
12 member".
13 _____. Page 11, line 19, by striking the word
14 "parent" and inserting the following: "family
15 member".
16 _____. Page 11, line 21, by striking the word
17 "parent" and inserting the following: "family
18 member".
19 _____. Page 11, line 24, by striking the word
20 "parent" and inserting the following: "family
21 member".
22 _____. Page 11, line 27, by striking the word
23 "parent" and inserting the following: "family
24 member".
25 _____. Page 11, line 31, by striking the word
26 "parent" and inserting the following: "family
27 member".
28 _____. Page 11, line 34, by striking the word
29 "parent" and inserting the following: "family
30 member".
31 _____. Page 12, line 4, by striking the word
32 "parent" and inserting the following: "family
33 member".
34 6. Page 1, by inserting after line 37 the
35 following:
36 "_____. Page 12, line 21, by striking the word
37 "parent" and inserting the following: "family
38 member".
39 _____. Page 12, line 25, by striking the word
40 "parent" and inserting the following: "family
41 member".
42 7. By renumbering as necessary.

By BRAD BANKS

S-3008 FILED JANUARY 12, 1995
WITHDRAWN

SENATE FILE 13

S-3009

1 Amend Senate File 13 as follows:
2 1. Page 2, line 9, by inserting after the word
3 "chosen." the following: "With regard to adoption,
4 the video shall provide information regarding all
5 types of child placing agencies as defined in section
6 238.2, including private, semipublic, and public
7 agencies or persons."
8 2. Page 3, line 34, by inserting after the word
9 "adoption" the following: ", including but not
10 limited to information regarding all types of child
11 placing agencies as defined in section 238.2,
12 including private, semipublic, and public agencies or
13 persons,".

By ANDY MCKEAN

S-3009 FILED JANUARY 12, 1995

ADOPTED

SENATE FILE 13

S-3004

1 Amend Senate File 13 as follows:
2 1. Page 1, by striking lines 17 through 19 and
3 inserting the following:
4 "7. "Parent" means one parent of a pregnant minor
5 or the guardian or custodian of a pregnant minor."

By BRAD BANKS

ALLEN BORLAUG
WILMER RENSINK

JOHN P. KIBBIE

H. KAY HEDGE
ANDY MCKEAN

S-3004 FILED JANUARY 12, 1995

WITHDRAWN

SENATE FILE 13

S-3005

1 Amend the amendment, S-3002, to Senate File 13, as
2 follows:
3 1. Page 1, by striking lines 4 through 7 and
4 inserting the following:
5 ""7. "Parent" means one parent of a pregnant minor
6 or the guardian or custodian of a pregnant minor.""

By BRAD BANKS

ALLEN BORLAUG
WILMER RENSINK

JOHN P. KIBBIE

H. KAY HEDGE
ANDY MCKEAN

S-3005 FILED JANUARY 12, 1995

LOST

SENATE FILE 13

S-3010

1 Amend the amendment, S-3002, to Senate File 13 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "_____. Page 1, by inserting after line 8 the
6 following:
7 "4A. "Family member" means one parent or the
8 guardian or custodian of a pregnant minor, a
9 grandparent of a pregnant minor, an adult aunt or
10 uncle of a pregnant minor, or an adult sibling,
11 whether of the whole or half blood, of a pregnant
12 minor."
13 2. Page 1, by striking lines 2 through 7 and
14 inserting the following:
15 "_____. Page 1, by striking lines 17 through 19."
16 3. Page 1, by inserting after line 21 the
17 following:
18 "_____. Page 4, line 4, by striking the word
19 "PARENT" and inserting the following: "FAMILY
20 MEMBER".
21 "_____. Page 4, line 10, by striking the word
22 "parent" and inserting the following: "family
23 member".
24 "_____. Page 4, line 12, by striking the word
25 "parent" and inserting the following: "family
26 member".
27 "_____. Page 4, line 17, by striking the word
28 "parent" and inserting the following: "family
29 member".
30 "_____. Page 4, line 23, by striking the word
31 "parent" and inserting the following: "family
32 member".
33 4. Page 1, by inserting after line 23 the
34 following:
35 "_____. Page 6, line 19, by striking the word
36 "parent" and inserting the following: "family
37 member".
38 "_____. Page 6, line 21, by striking the word
39 "PARENT" and inserting the following: "FAMILY
40 MEMBER".
41 "_____. Page 6, line 26, by striking the word
42 "parent" and inserting the following: "family
43 member".
44 "_____. Page 6, line 29, by striking the word
45 "parent" and inserting the following: "family
46 member".
47 "_____. Page 6, line 30, by striking the word
48 "parent" and inserting the following: "family
49 member".
50 "_____. Page 7, line 1, by striking the word
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1 "parent" and inserting the following: "family
2 member".
3 _____. Page 9, line 11, by striking the word
4 "parent" and inserting the following: "family
5 member".
6 5. Page 1, by inserting after line 27 the
7 following:
8 "_____. Page 11, line 11, by striking the word
9 "parent" and inserting the following: "family
10 member".
11 _____. Page 11, line 14, by striking the word
12 "parent" and inserting the following: "family
13 member".
14 _____. Page 11, line 19, by striking the word
15 "parent" and inserting the following: "family
16 member".
17 _____. Page 11, line 21, by striking the word
18 "parent" and inserting the following: "family
19 member".
20 _____. Page 11, line 24, by striking the word
21 "parent" and inserting the following: "family
22 member".
23 _____. Page 11, line 27, by striking the word
24 "parent" and inserting the following: "family
25 member".
26 _____. Page 11, line 31, by striking the word
27 "parent" and inserting the following: "family
28 member".
29 _____. Page 11, line 34, by striking the word
30 "parent" and inserting the following: "family
31 member".
32 _____. Page 12, line 4, by striking the word
33 "parent" and inserting the following: "family
34 member".
35 6. Page 1, by inserting after line 37 the
36 following:
37 "_____. Page 12, line 21, by striking the word
38 "parent" and inserting the following: "family
39 member".
40 _____. Page 12, line 25, by striking the word
41 "parent" and inserting the following: "family
42 member".
43 7. By renumbering as necessary.

By BRAD BANKS

S-3010 FILED JANUARY 12, 1995

LOST

SENATE FILE 13

H-3009

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 7 and 8.

4 2. Page 1, by striking lines 9 through 11 and
5 inserting the following:

6 "5. "Medical emergency" means a condition that,
7 based on a physician's clinical judgment, so
8 complicates the medical condition of a pregnant minor
9 as to necessitate the immediate abortion of the
10 minor's pregnancy to avert the minor's death or for
11 which a delay will create a risk of substantial and
12 irreversible impairment of a major bodily function."

13 3. Page 1, by striking lines 14 through 18 and
14 inserting the following:

15 "7. "Parent" means one parent or a legal guardian
16 or custodian of a pregnant minor."

17 4. Page 1, by striking line 21 and inserting the
18 following: "minor to assist the minor in the".

19 5. By striking page 1, line 23, through page 5,
20 line 13, and inserting the following:

21 "Sec. ____ . NEW SECTION. 135L.2 DECISION-MAKING
22 ASSISTANCE PROGRAM FOR PROSPECTIVE MINOR PARENTS
23 ESTABLISHED.

24 1. A decision-making assistance program is created
25 to provide assistance to minors in making informed
26 decisions relating to pregnancy. The program shall
27 offer and include all of the following:

28 a. (1) A video, to be developed by a person
29 selected through a request for proposals process,
30 which provides information regarding the various
31 options available to a pregnant minor with regard to
32 the pregnancy, including a decision to continue the
33 pregnancy to term and retain parental rights following
34 the child's birth, a decision to continue the
35 pregnancy to term and place the child for adoption
36 following the child's birth, and a decision to
37 terminate the pregnancy through abortion. The video
38 shall provide the information in a manner and
39 language, including but not limited to, the use of
40 closed captioning for the hearing-impaired, which will
41 be understood by a minor.

42 (2) The video shall explain that public and
43 private agencies are available to assist a pregnant
44 minor with any alternative chosen.

45 (3) The video shall explain that tendering false
46 documents is a fraudulent practice in the fourth
47 degree pursuant to section 135L.7.

48 b. Written decision-making materials which include
49 all of the following:

50 (1) Information regarding the options described in

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1 the video including information regarding the agencies
2 and programs available to provide assistance to the
3 pregnant minor in parenting a child; information
4 relating to adoption including but not limited to
5 information regarding child placing agencies as
6 defined in section 238.2, including private,
7 quasipublic, and public agencies or persons; and
8 information regarding abortion including but not
9 limited to the legal requirements relative to the
10 performance of an abortion on a pregnant minor. The
11 information shall include a listing of the agencies
12 and programs and the services available from each.

13 (2) A workbook which is to be used in viewing the
14 video and which includes a questionnaire and exercises
15 to assist a pregnant minor in viewing the video and in
16 considering the options available regarding the
17 minor's pregnancy.

18 (3) A detachable certification form to be signed
19 by the minor and a responsible adult, if a responsible
20 adult accompanies the pregnant minor, certifying that
21 the pregnant minor was offered a viewing of the video
22 and the written decision-making materials.

23 2. The video shall be available through the state
24 and local offices of the Iowa department of public
25 health, the department of human services, and the
26 judicial department; the office of each licensed
27 physician who performs abortions, and the office of
28 any other licensed physician, upon request of the
29 physician; nonprofit agencies serving minors, upon
30 request of the agency; and any other person providing
31 services to minors, upon request of the person.

32 3. During the initial appointment between a
33 licensed physician and a pregnant minor, a licensed
34 physician, who is providing medical services to a
35 pregnant minor, shall offer the viewing of the video
36 and the written decision-making materials to the
37 pregnant minor, and shall obtain the signed and dated
38 certification form from the pregnant minor. If the
39 pregnant minor has previously been offered the viewing
40 of the video and the written decision-making materials
41 by another source, the licensed physician shall obtain
42 the completed written certification form from the
43 other source to verify that the pregnant minor has
44 been offered the viewing of the video and the written
45 decision-making materials. A licensed physician shall
46 not perform an abortion on a pregnant minor prior to
47 obtaining the completed certification form from a
48 pregnant minor.

49 4. A pregnant minor shall be encouraged to select
50 a responsible adult, preferably a parent of the

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1 pregnant minor, to accompany the pregnant minor in
2 viewing the video and in providing certification of
3 the offering of the viewing of the video and of the
4 decision-making materials.

5 5. To the extent possible and at the discretion of
6 the pregnant minor, the person responsible for
7 impregnating the pregnant minor shall also be involved
8 in the viewing of the video and in the receipt of
9 written decision-making materials.

10 6. Following the offering of the viewing of the
11 video and of the written decision-making materials,
12 the pregnant minor and the responsible adult, if a
13 responsible adult is involved, shall sign and date the
14 certification form attached to the materials, and
15 shall submit the completed form to the licensed
16 physician or provide the person making the offer with
17 information to send the completed form to the pregnant
18 minor's attending physician. The person offering the
19 viewing of the video and the decision-making materials
20 shall also provide a copy of the completed
21 certification form to the pregnant minor and to the
22 responsible adult, if a responsible adult is involved.
23 The responsible adult shall destroy the copy of the
24 completed certification document one year subsequent
25 to the date of receipt of the copy."

26 6. By striking page 5, line 14, through page 8,
27 line 17.

28 7. Page 11, by striking lines 6 through 8.

29 8. Page 11, line 20, by inserting after the word
30 "agency" the following: "other than a child-placing
31 agency under the management or control of any division
32 of the department of human services or any
33 administrator of the department of human services".

34 9. Page 11, by striking lines 22 and 23 and
35 inserting the following:

36 "(5) A representative of a crisis pregnancy
37 center.

38 (6) A representative of an abortion provider."

39 10. Page 12, by inserting after line 6 the
40 following:

41 "(5) A minor who is at least fourteen but less
42 than eighteen years of age at the time of the
43 appointment."

44 11. Page 12, by striking lines 7 through 11 and
45 inserting the following:

46 "2. Representative associations of professionals
47 and providers who are to be appointed to the advisory
48 committee may submit a listing of nominees to the
49 governor. The governor may consider the listings in
50 appointing members to the advisory committee. The

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1 governor shall appoint members who represent a variety
2 of philosophical views."

3 12. Page 13, line 5, by striking the word
4 "document" and inserting the following: "materials".

5 13. Page 13, line 25, by striking the words "or
6 emancipated pregnant minor's".

7 14. Page 13, by striking lines 28 through 33 and
8 inserting the following: "of an abortion on a
9 pregnant minor which results in the inapplicability of
10 section".

11 15. Page 14, by striking lines 23 through 25.

12 16. Page 14, line 29, by striking the word and
13 figure: "135L.3 or".

14 17. By striking page 14, line 30, through page
15 15, line 1.

16 18. Page 15, by striking lines 6 and 7 and
17 inserting the following:

18 "1. Knowingly signs the written certification
19 document under section 135L.2, falsely certifying that
20 the".

21 19. Page 15, by striking lines 11 through 14 and
22 inserting the following:

23 "a. A false original or copy of the signed and
24 dated certification form to be retained by the
25 licensed physician or sent to the pregnant minor's
26 attending physician pursuant to section 135L.2."

27 20. Page 15, by inserting after line 21 the
28 following:

29 "Sec. ____ . NEW SECTION. 135L.8 IMMUNITIES.

30 1. A person is immune from any liability, civil or
31 criminal, for any act, omission, or decision made in
32 good faith compliance with this chapter.

33 2. This section shall not be construed to limit
34 civil or criminal liability of a person for any act,
35 omission, or decision made in relation to the
36 performance of a medical procedure on a pregnant
37 minor."

38 21. Page 15, lines 22 and 23, by striking the
39 words "ADOPTION OF CHILD BORN TO A MINOR OR".

40 22. Page 15, by striking lines 27 through 29 and
41 inserting the following: "notification requirements
42 relating to the performance of an abortion on a minor
43 pursuant to section 135L.4."

44 23. By striking page 15, line 30, through page
45 16, line 19.

46 24. Page 16, by inserting after line 27 the
47 following:

48 "Sections 1 and 4 of this Act relating to the
49 notification of a parent prior to the performance of
50 an abortion on a minor take effect July 1, 1995."

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- 1 25. Title page, line 1, by striking the word
- 2 "process" and inserting the following: "assistance
- 3 program".
- 4 26. Title page, line 2, by inserting after the
- 5 word "parents" the following: "including notification
- 6 of a parent prior to the performance of an abortion on
- 7 a minor".
- 8 27. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
DAGGETT of Union, Chairperson

H-3009 FILED FEBRUARY 1, 1995

(p. 381) adopted 2/9/95-

SENATE FILE 13

H-3037

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by striking lines 5 through 9 and
5 inserting the following:

6 "____. The person responsible for impregnating the
7 pregnant minor shall also be involved in the viewing
8 of the video and in the receipt of written decision-
9 making materials."

10 2. By renumbering as necessary.

By CONNORS of Polk

HALVORSON of Clayton

McCOY of Polk

OLLIE of Clinton

H-3037 FILED FEBRUARY 7, 1995

(p.371) Adopted 2/9/95

SENATE FILE 13

H-3038

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 5 through 9 and
4 inserting the following:

5 "____. The person responsible for impregnating the
6 pregnant minor or emancipated pregnant minor shall
7 also be involved in the viewing of the video and the
8 completion of the written document."

9 2. By renumbering as necessary.

By CONNORS of Polk

OLLIE of Clinton

McCOY of Polk

HALVORSON of Clayton

H-3038 FILED FEBRUARY 7, 1995

(p.381) out of order 2/9/95

SENATE FILE 13

H-3040

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 20 the
4 following:

5 "____. A person who will perform an abortion on a
6 pregnant minor shall inform the pregnant minor of the
7 requirement of notification of a parent of the
8 pregnant minor prior to the performance of an abortion
9 on the pregnant minor, of the option available to the
10 pregnant minor to petition the court to authorize
11 waiver of the notification requirement, and of the
12 other exceptions to required notification."

13 2. By renumbering as necessary.

By KREIMAN of Davis

H-3040 FILED FEBRUARY 7, 1995

*(p.389) Lost
2/9/95*

SENATE FILE 13

H-3034

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 3, by inserting after line 27 the
5 following:
6 " ". Page 11, by inserting before line 6 the
7 following:
8 "(3A) A parent files a notarized statement with
9 the secretary of state indicating that the parent
10 waives the notification requirement prior to the
11 performance of an abortion on the pregnant minor. The
12 secretary of state shall provide the parent with a
13 copy of the notarized statement following deposit of
14 the document which shall be kept in the secretary of
15 state's office.""
16 2. By renumbering as necessary.

By HARPER of Black Hawk

H-3034 FILED FEBRUARY 7, 1995

(p. 372) *Lost 2/9/95*

SENATE FILE 13

H-3035

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by striking line 32 and inserting the
5 following: "connection with a good faith effort to
6 comply with the provisions of this chapter."

By BODDICKER of Cedar

H-3035 FILED FEBRUARY 7, 1995

(p. 378) *Adopted 2/9/95*

SENATE FILE 13

H-3041

1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 13 through 16.
5 2. By renumbering as necessary.

By LARKIN of Lee

H-3041 FILED FEBRUARY 8, 1995

(p. 366) *2/9/95 Lost*

SENATE FILE 13

H-3031

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. By striking everything after the enacting
4 clause, and inserting the following:

5 "Section 1. NEW SECTION. 146A.1 NOTIFICATION OF
6 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A PREGNANT
7 MINOR -- REQUIREMENTS -- ALTERNATIVES -- CRIMINAL
8 PENALTY.

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

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

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

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

26 b. "Court" means the juvenile court.

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

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

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

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

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

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

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

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

19 e. The pregnant minor is provided counseling and
20 presents written proof of the completion of counseling
21 to the person performing the abortion. If the
22 pregnant minor chooses the alternative of counseling
23 under this paragraph, all of the following shall
24 apply:

25 (1) The pregnant minor and the person providing
26 counseling shall sign, date and seal, or notarize the
27 document certifying the provision of counseling to be
28 submitted to the person performing the abortion.

29 (2) The counseling is provided, at least forty-
30 eight hours prior to the submission of the counseling
31 document to the person performing the abortion, by one
32 parent of the pregnant minor; by an adult sibling,
33 adult aunt or uncle, or grandparent of the pregnant
34 minor; or by a certified religious counselor,
35 including but not limited to a minister, priest,
36 rabbi, or mullah. Counseling provided by a person
37 associated with a licensed provider who performs
38 abortions does not constitute the receipt of
39 counseling. The forty-eight-hour waiting period may
40 be waived only if the pregnant minor is accompanied to
41 the provider performing the abortion by at least one
42 parent of the pregnant minor, and if at least one
43 parent completes and signs a medical consent form.

44 5. If a pregnant minor objects to the notification
45 of a parent prior to the performance of an abortion on
46 the pregnant minor, the pregnant minor may petition
47 the court to authorize waiver of the notification
48 requirement pursuant to this section in accordance
49 with the following procedures:

50 a. The court shall ensure that the pregnant minor

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1 is provided with assistance in preparing and filing
2 the petition for waiver of notification and shall
3 ensure that the pregnant minor's identity remains
4 confidential.

5 b. The pregnant minor may participate in the court
6 proceedings on the pregnant minor's own behalf and the
7 court may appoint a guardian ad litem for the pregnant
8 minor. The court shall advise the pregnant minor of
9 the pregnant minor's right to court-appointed legal
10 counsel, and shall, upon the pregnant minor's request,
11 provide the pregnant minor with court-appointed legal
12 counsel, at no cost to the pregnant minor.

13 c. The court proceedings shall be conducted in a
14 manner which protects the anonymity of the pregnant
15 minor and all court documents pertaining to the
16 proceedings shall remain confidential. Only the
17 pregnant minor, the pregnant minor's guardian ad
18 litem, the pregnant minor's legal counsel, and persons
19 whose presence is specifically requested by the
20 pregnant minor, by the pregnant minor's guardian ad
21 litem, or by the pregnant minor's legal counsel may
22 attend the hearing on the petition.

23 d. The court proceedings under this section shall
24 be given precedence over other pending matters to
25 ensure that the court reaches a decision
26 expeditiously.

27 e. Upon petition and following an appropriate
28 hearing, the court shall waive the notification
29 requirements if the court determines either of the
30 following:

31 (1) That the pregnant minor is mature and capable
32 of providing informed consent for the performance of
33 an abortion.

34 (2) That the pregnant minor is not mature, or does
35 not claim to be mature, but that notification is not
36 in the best interest of the pregnant minor.

37 f. The court shall issue specific factual findings
38 and legal conclusions, in writing, to support the
39 decision.

40 g. Upon conclusion of the hearing, the court shall
41 immediately issue a written order which shall be
42 provided immediately to the pregnant minor, the
43 pregnant minor's guardian ad litem, the pregnant
44 minor's legal counsel, or any other person designated
45 by the pregnant minor to receive the order.

46 h. An expedited, anonymous, confidential appeal
47 shall be available to a pregnant minor for whom the
48 court denies a petition for waiver of notification.
49 An order granting the pregnant minor's application for
50 waiver of notification is not subject to appeal.

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1 Access to the appellate courts for the purpose of an
2 appeal under this section shall be provided to a
3 pregnant minor twenty-four hours a day, seven days a
4 week.

5 i. The supreme court shall prescribe rules to
6 ensure that the proceedings under this section are
7 performed in an expeditious, anonymous, and
8 confidential manner.

9 j. A pregnant minor who chooses to utilize the
10 waiver of notification procedures under this
11 subsection shall not be required to pay a fee at any
12 level of the proceedings.

13 k. A person performing an abortion on a pregnant
14 minor under this chapter may inform the parent of the
15 pregnant minor of any necessary treatment resulting
16 from complications of the abortion procedure if, in
17 the judgment of the person, failure to inform the
18 parent would seriously jeopardize the health of the
19 pregnant minor.

20 6. Venue for proceedings under this section is in
21 any court in the state.

22 7. A person who performs an abortion in violation
23 of this section is guilty of a serious misdemeanor.

24 8. A person who provides counseling pursuant to
25 subsection 4, paragraph "e", and who complies in good
26 faith with the requirements of that paragraph, is
27 immune from any liability, civil or criminal, which
28 might arise from the provision of counseling.

29 9. A provider who performs an abortion on a
30 pregnant minor and who accepts a documentation of
31 counseling under subsection 4, paragraph "e", in good
32 faith, is immune from any liability, civil or
33 criminal, which might arise from the provider's
34 reliance on the documentation provided. The immunity
35 provided under this subsection does not provide
36 immunity from liability to any provider who performs
37 abortions on pregnant minors and who relies on
38 counseling provided by a person associated with an
39 abortion provider.

40 10. If a pregnant minor elects to continue the
41 pregnancy to term, following the birth of the child,
42 the pregnant minor shall seek the assistance of the
43 child support recovery unit in establishing the
44 paternity of the child, seeking support payments for a
45 reasonable amount of the costs associated with the
46 pregnancy, medical support, and maintenance from the
47 father of the child, or if the father is a minor, from
48 the parents of the minor father. Actions taken by the
49 child support recovery unit, the pregnant minor, or
50 the pregnant minor's parent or agent under this

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1 subsection do not constitute grounds for and legal
2 action by the putative father or the putative father's
3 parent or agent.

4 Sec. 2. NEW SECTION. 232.5 ABORTION PERFORMED ON
5 A MINOR -- PROCEEDINGS.

6 The court shall have exclusive jurisdiction over
7 the authorization of an abortion on a pregnant minor
8 pursuant to section 146A.1."

9 2. Title page, by striking lines 1 through 3, and
10 inserting the following: "An Act relating to the
11 notification of a parent prior to the performance of
12 an abortion on a pregnant minor, providing
13 alternatives to notification, and providing a
14 penalty."

By WITT of Black Hawk

METCALF of Polk

JACOBS of Polk

NELSON of Marshall

LARKIN of Lee

BRAND of Benton

NELSON of Pottawattamie

MORELAND of Wapello

HARPER of Black Hawk

H-3031 FILED FEBRUARY 6, 1995

(P. 386) Lost 2/9/95

SENATE FILE 13

H-3032

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 40, by striking the word "will"
5 and inserting the following: "could".

6 2. Page 2, by striking lines 23 through 31 and
7 inserting the following:

8 "2. a. The video shall be available through the
9 state and local offices of the Iowa department of
10 public health, the department of human services, and
11 the judicial department and through the office of each
12 licensed physician who performs abortions.

13 b. The video may be available through the office
14 of any licensed physician who does not perform
15 abortions, upon the request of the physician; through
16 any nonprofit agency serving minors, upon the request
17 of the agency; and through any other person providing
18 services to minors, upon the request of the person."

By BODDICKER of Cedar

H-3032 FILED FEBRUARY 6, 1995

adapted

(P. 367) 2/9/95

SENATE FILE 13

H-3042

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 44, the
5 following:

6 "(2A) The video shall explain that if the pregnant
7 minor decides to continue the pregnancy to term, and
8 to retain parental rights to the child, the father of
9 the child is liable for the support of the child."

10 2. Page 2, line 10, by inserting after the word
11 "minor." the following: "The information provided
12 shall include information explaining that if a
13 pregnant minor decides to continue the pregnancy to
14 term and to retain parental rights, the father of the
15 child is liable for the support of the child and that
16 if the pregnant minor seeks public assistance on
17 behalf of the child, the pregnant minor shall, and if
18 the pregnant minor is not otherwise eligible as a
19 public assistance recipient, the pregnant minor may,
20 seek the assistance of the child support recovery unit
21 in establishing the paternity of the child, and in
22 seeking support payments for a reasonable amount of
23 the costs associated with the pregnancy, medical
24 support, and maintenance from the father of the child,
25 or if the father is a minor, from the parents of the
26 minor father."

By BODDICKER of Cedar
MASCHER of Johnson

H-3042 FILED FEBRUARY 8, 1995

(p. 367) *Adopted*
2/9/95

SENATE FILE 13

H-3043

1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 48, by inserting after the word
5 "minor." the following: "Notwithstanding the
6 requirements of this subsection, a licensed physician
7 is not required to offer viewing of the video or the
8 written decision-making materials to a pregnant minor
9 or to obtain a signed and dated certification form
10 from a pregnant minor who declares that the pregnant
11 minor is a victim of sexual abuse as defined in
12 chapter 709 and has reported the sexual abuse to a law
13 enforcement officer or agency."

14 2. Page 3, by striking line 28.

15 3. Page 4, by striking line 11.

16 4. By renumbering as necessary.

By HARPER of Black Hawk

H-3043 FILED FEBRUARY 8, 1995

(p. 370) *Dist* *2/9/95*

SENATE FILE 13

H-3029

1 Amend the committee amendment, H-3009, to Senate
2 File 13, as amended, passed, and reprinted by the
3 Senate, as follows:

- A 4 1. Page 1, by striking lines 4 through 12.
- 5 2. Page 1, by striking lines 13 through 16.
- 6 3. By striking page 1, line 17, through page 3,
- 7 line 25, and inserting the following:
- B 8 " . By striking page 1, line 19, through page 5,
- 9 line 13."

- 10 4. Page 3, by striking lines 26 and 27, and
- 11 inserting the following:
- 12 " . Page 5, by striking lines 16 through 23,
- 13 and inserting the following:
- 14 "A pregnant minor who decides to place the pregnant
- 15 minor's child for adoption is subject to the following
- 16 conditions:
- 17 1. Providing notification to a parent of the
- 18 pregnant minor that the pregnant minor has decided to
- 19 terminate the pregnant minor's parental rights and
- 20 place the child for adoption. Notification shall be
- 21 made at least twenty-".
- 22 . Page 8, by striking lines 12 and 13, and
- 23 inserting the following:
- 24 "m. A copy of the notification document mailed to
- 25 a".

- A 26 . Page 8, by striking line 17, and inserting
- 27 the following: "the notification document under this
- 28 chapter."

- 29 5. Page 3, by striking line 28.
- 30 6. By striking page 3, line 29, through page 4,
- 31 line 4, and inserting the following:
- B 32 " . By striking page 11, line 11, through page
- 33 13, line 22."

- 34 7. Page 4, by striking lines 7 through 10, and
- 35 inserting the following:
- 36 " . Page 13, by striking lines 28 through 30,
- 37 and inserting the following: "of an abortion on the
- A 38 pregnant minor which results in the inapplicability of
- 39 section".

- 40 8. Page 4, by striking line 11.
- 41 9. Page 4, by striking lines 12 and 13.

- 42 10. Page 4, by striking lines 16 through 26, and
- 43 inserting the following:

- 44 " . Page 15, by striking lines 3 through 21,
- 45 and inserting the following:
- B 46 "A person who knowingly tenders any of the
- 47 following is guilty of a fraudulent practice in the
- 48 fourth degree pursuant to section 714.12:

- 49 1. A false original or false copy of the
- 50 notification document mailed to a parent of a pregnant

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Page 2

1 minor or a false copy of the order waiving
2 notification relative to the termination of parental
3 rights of a pregnant minor.

B. 4 2. A false original or a false copy of the
5 notification document mailed to a parent of a pregnant
6 minor or a false copy of the order waiving
7 notification relative to the performance of an
8 abortion on a pregnant minor."

9 11. By striking page 4, line 38 through page 5,
10 line 7, and inserting the following:

11 " ____ . Page 16, by striking lines 10 through 12
12 and inserting the following: "material to its
13 execution or a showing that a pregnant minor to whom
14 section 135L.3 is applicable failed to comply with the
15 requirements of that section. In".

16 ____ . By striking page 16, line 20, through page
17 17, line 7."

18 ____ . Title page, by striking lines 1 through 3,
19 and inserting the following:

A. 20 "An Act relating to the required notification of a
21 parent prior to the performance of an abortion on a
22 minor or prior to the termination of a pregnant
23 minor's parental rights for the purpose of placing a
24 child for adoption, providing for exceptions, and
25 providing penalties."

By FALLON of Polk

H-3029 FILED FEBRUARY 6, 1995

A. Withdrawn (p. 364) 2/9/95

B. Lost (p. 366) 2/9/95

SENATE FILE 13

H-3028

1 Amend Senate File 13 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking lines 7 and 8.
4 2. Page 1, by striking lines 19 through 22.
5 3. By striking page 1, line 23, through page 5,
6 line 13.
7 4. Page 5, by striking lines 16 through 23, and
8 inserting the following:
9 "A pregnant minor who chooses to place the pregnant
10 minor's child for adoption is subject to the following
11 conditions:
12 1. Notification of a parent of the pregnant minor
13 prior to the termination of the pregnant minor's
14 parental rights for the purposes of placing the
15 pregnant minor's child for adoption. Notification
16 shall be made at least twenty-".
17 5. Page 8, by striking lines 12 and 13, and
18 inserting the following:
19 "m. A copy of the notification document mailed to
20 a".
21 6. By striking page 11, line 11, through page 13,
22 line 22.
23 7. Page 13, line 25, by striking the words "or
24 emancipated pregnant minor's".
25 8. Page 13, by striking lines 28 through 30, and
26 inserting the following: "of an abortion on the
27 pregnant minor which results in the inapplicability of
28 section".
29 9. By striking page 14, line 30, through page 15,
30 line 1.
31 10. Page 15, by striking lines 3 through 21, and
32 inserting the following:
33 "A person who knowingly tenders any of the
34 following is guilty of a fraudulent practice in the
35 fourth degree pursuant to section 714.12:
36 1. A false original or a false copy of the
37 notification document mailed to a parent of a pregnant
38 minor or a false copy of the order waiving
39 notification relative to the termination of parental
40 rights of a pregnant minor.
41 2. A false original or a false copy of the
42 notification document mailed to a parent of a pregnant
43 minor or a false copy of the order waiving
44 notification relative to the performance of an
45 abortion on a pregnant minor."
46 11. Page 16, by striking lines 10 through 12, and
47 inserting the following: "material to its execution
48 or a showing that a pregnant minor to whom section
49 135L.3 is applicable failed to comply with the
50 requirements of that section. In".

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1 12. By striking page 16, line 20, through page
2 17, line 7.

3 13. Title page, by striking lines 1 through 3,
4 and inserting the following:

5 "An Act relating to the required notification of a
6 parent prior to the performance of an abortion on a
7 minor or prior to the termination of a pregnant
8 minor's parental rights for the purpose of placing a
9 child for adoption, providing for exceptions, and
10 providing penalties."

11 14. By renumbering and relettering as necessary.

By FALLON of Polk

H-3028 FILED FEBRUARY 6, 1995

(p. 381) out of order 2/9/95

SENATE FILE 13

H-3049

1 Amend Senate File 13 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, line 13, by inserting after the word
4 "minor." the following: "The court shall also advise
5 the pregnant minor that a court-appointed licensed
6 marital and family therapist is available to the
7 minor, upon request, at no cost to the minor, to
8 assist the pregnant minor in addressing any
9 intrafamilial problems which might develop. If a
10 licensed marital and family therapist is appointed by
11 the court, the licensed marital and family therapist
12 shall file a report with the court, following
13 provision of services to the pregnant minor, stating
14 the procedures undertaken, recommendations made, and
15 any other matters as may be required by the court."

16 2. Page 9, line 33, by inserting after the word
17 "minor." the following: "The court may consider any
18 recommendations of a licensed marital and family
19 therapist appointed by the court to provide counseling
20 to the pregnant minor, in determining the best
21 interest of the pregnant minor."

22 3. Page 10, line 16, by inserting after the word
23 "proceedings." the following: "All costs of services
24 provided by a court-appointed licensed marital and
25 family therapist shall be paid by the court."

By BODDICKER of Cedar

H-3049 FILED FEBRUARY 8, 1995

(p.374) out of order 2/9/95-

SENATE FILE 13

H-3047

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 38 the
5 following:

6 "() A licensed marital and family therapist."

7 2. By renumbering as necessary.

By BURNETT of Story	MARTIN of Scott
HARPER of Black Hawk	JACOBS of Polk
WITT of Black Hawk	METCALF of Polk
DODERER of Johnson	

H-3047 FILED FEBRUARY 8, 1995

Withdrawn
p. 376 2/9/95

SENATE FILE 13

H-3048

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 43, by inserting after the word
5 "appointment" the following: ", appointed by the
6 governor".

7 2. Page 4, line 21, by striking the figure "14"
8 and inserting the following: "18".

9 3. Page 4, by inserting after line 26 the
10 following:

11 "____. Page 15, by striking lines 19 and 20 and
12 inserting the following:

13 "b. A false original or copy of the notification
14 document mailed to a parent or a false copy of the
15 order waiving notification relative to".

By BODDICKER of Cedar

H-3048 FILED FEBRUARY 8, 1995

WITHDRAWN

(p. 376) 2/9/95

SENATE FILE 13

H-3044

1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 44 the
5 following:

6 "(2A) The video shall explain that if the pregnant
7 minor decides to continue the pregnancy to term and to
8 retain parental rights to the child, the father of the
9 child is liable for the support of the child and if
10 the father of the child is a minor and is unable to
11 provide support, that the grandparents of the child
12 are liable for support until the child's parent
13 reaches eighteen years of age."

14 2. Page 2, line 10, by inserting after the word
15 "minor." the following: "The information provided
16 shall include information explaining that if a
17 pregnant minor decides to continue the pregnancy to
18 term and to retain parental rights, the father of the
19 child is liable for the support of the child and that
20 if the father of the child is a minor and is unable to
21 provide support, that the grandparents of the child
22 are liable for support until the child's minor parent
23 reaches eighteen years of age. The information shall
24 also explain that the pregnant minor may seek the
25 assistance of the child support recovery unit of the
26 department of human services in establishing paternity
27 and in seeking support."

A.

28 3. Page 4, by inserting after line 43, the
29 following:

30 "Sec. ____ . Section 252A.3, Code 1995, is amended
31 by adding the following new subsection:
32 NEW SUBSECTION. 10. If a child's parent is under
33 eighteen years of age and is unable to support the
34 child, the child's grandparent is obligated for the
35 child's support until the child's parent reaches
36 eighteen years of age. Support includes but is not
37 limited to payment of a reasonable amount of the costs
38 associated with the pregnancy, medical support, and
39 maintenance."

B.

40 4. By renumbering as necessary.

By CONNORS of Polk
SHOULTZ of Black Hawk

H-3044 FILED FEBRUARY 8, 1995

A. With drawn (P. 368) 2/9/95

B. Lost (P. 379) 2/9/95

SENATE FILE 13

H-3045

1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by striking line 28.

5 2. Page 4, by striking line 11.

By BRAND of Benton

H-3045 FILED FEBRUARY 8, 1995

P. 374 WITHDRAWN 2/9/95

SENATE FILE 13

H-3046

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 135L.1 NOTIFICATION
6 REQUIREMENTS -- MEDICAL PROCEDURES PERFORMED ON
7 MINORS.

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

10 a. "Medical emergency" means a condition that,
11 based on a physician's clinical judgment, so
12 complicates the health of a minor as to require
13 immediate medical intervention.

14 b. "Medical provider" means a person licensed to
15 practice medicine and surgery, osteopathic medicine
16 and surgery, osteopathy, chiropractic, massage
17 therapy, physical therapy, podiatry, nursing,
18 dentistry, optometry, or as a physician assistant,
19 dental hygienist, or an acupuncturist, or advanced
20 emergency medical care provider.

21 c. "Minor" means a person under eighteen years of
22 age who has not been and is not married.

23 d. "Parent" means one parent or a legal guardian
24 or custodian of a minor.

25 2. A medical provider shall not provide or perform
26 any diagnosis, treatment, or other medical
27 intervention of, to, or on a minor until a parent of
28 the minor has been notified of the minor's request or
29 presentation for medical intervention. This
30 requirement does not apply if the medical provider
31 certifies, in writing, that a medical emergency exists
32 which necessitates the immediate provision or
33 performance of diagnosis, treatment, or other medical
34 intervention.

35 Sec. 2. Section 125.33, subsection 1, Code 1995,
36 is amended to read as follows:

37 1. A substance abuser or chronic substance abuser
38 may apply for voluntary treatment or rehabilitation
39 services directly to a facility or to a licensed
40 physician and surgeon or osteopathic physician and
41 surgeon. If the proposed patient is a minor or an
42 incompetent person, a parent, a legal guardian or
43 other legal representative ~~may~~ shall make the
44 application. The licensed physician and surgeon or
45 osteopathic physician and surgeon or any employee or
46 person acting under the direction or supervision of
47 the physician and surgeon or osteopathic physician and
48 surgeon, or the facility shall not report or disclose
49 the name of the person or the fact that treatment was
50 requested or has been undertaken to any law

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1 enforcement officer or law enforcement agency; nor
2 shall such information be admissible as evidence in
3 any court, grand jury, or administrative proceeding
4 unless authorized by the person seeking treatment. ~~If~~
5 ~~the person seeking such treatment or rehabilitation is~~
6 ~~a minor who has personally made application for~~
7 ~~treatment, the fact that the minor sought treatment or~~
8 ~~rehabilitation or is receiving treatment or~~
9 ~~rehabilitation services shall not be reported or~~
10 ~~disclosed to the parents or legal guardian of such~~
11 ~~minor without the minor's consent, and the minor may~~
12 ~~give legal consent to receive such treatment and~~
13 ~~rehabilitation.~~

14 Sec. 3. Section 141.22, subsection 6, Code 1995,
15 is amended to read as follows:

16 6. A person may apply for voluntary treatment,
17 contraceptive services, or screening or treatment for
18 AIDS and other sexually transmitted diseases, directly
19 to a licensed physician and surgeon, an osteopathic
20 physician and surgeon, or a family planning clinic.
21 ~~Notwithstanding any other provision of law, if~~ If the
22 person seeking the treatment is a minor ~~who has~~
23 personally made a parent, legal guardian, or custodian
24 shall make the application for services, screening, or
25 treatment, the fact that the minor sought services or
26 is receiving services, screening, or treatment shall
27 not be reported or disclosed, except for statistical
28 purposes. Notwithstanding any other provision of law,
29 however, the The minor shall be informed prior to
30 testing that upon confirmation according to prevailing
31 medical technology of a positive HIV-related test
32 result the minor's parent, legal guardian, or
33 custodian is required to be informed by the testing
34 facility. Testing facilities where minors are tested
35 shall have available a program to assist minors and
36 parents, legal guardians, and custodians with the
37 notification process which emphasizes the need for
38 family support and assists in making available the
39 resources necessary to accomplish that goal. However,
40 a testing facility which is precluded by federal
41 statute, regulation, or center for disease control
42 guidelines, from informing the legal guardian is
43 exempt from the notification requirement, but not from
44 the requirement for an assistance program. ~~The minor~~
45 ~~shall give written consent to these procedures and to~~
46 ~~receive the services, screening, or treatment. --Such~~
47 ~~consent is not subject to later disaffirmance by~~
48 ~~reason of minority.~~

49 Sec. 4. Section 147.137, subsection 3, Code 1995,
50 is amended to read as follows:

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1 3. Is signed by the patient for whom the procedure
2 is to be performed, or if the patient for any reason
3 lacks legal capacity to consent, including that the
4 patient is under eighteen years of age and has not
5 been and is not married, is signed by a person who has
6 legal authority to consent on behalf of that patient
7 in those circumstances.

8 Sec. 5. Section 147A.10, subsection 2, Code 1995,
9 is amended to read as follows:

10 2. A physician, physician's designee, physician
11 assistant, or advanced emergency medical care provider
12 shall not be subject to civil liability solely by
13 reason of failure to obtain consent before rendering
14 emergency medical, surgical, hospital or health
15 services to any individual, ~~regardless of age~~, when
16 the patient is unable to give consent for any reason
17 and there is no other person reasonably available who
18 is legally authorized to consent to the providing of
19 such care. However, if the individual is under
20 eighteen years of age and has not been and is not
21 married, a parent, legal guardian, or custodian shall
22 be notified prior to the rendering of services to the
23 individual, unless a medical emergency exists. For
24 the purposes of this subsection "medical emergency"
25 means medical emergency as defined in section 135L.1.

26 Sec. 6. Section 229.2, subsection 1, unnumbered
27 paragraph 2, Code 1995, is amended to read as follows:

28 In the case of a minor, the parent, guardian, or
29 custodian ~~may~~ shall make application for admission of
30 the minor as a voluntary patient.

31 Sec. 7. Section 229.2, subsection 1, paragraphs a
32 through f, Code 1995, are amended by striking the
33 paragraphs.

34 Sec. 8. Sections 140.9 and 599.6, Code 1995, are
35 repealed."

36 2. Title page, line 1, by striking the words
37 "decision-making process" and inserting the following:
38 "notification process for minors seeking medical
39 intervention."

40 3. Title page, by striking lines 2 and 3.

By GRUNDBERG of Polk

H-3046 FILED FEBRUARY 8, 1995

(p. 389) Lost 2/9/95

SENATE FILE 13

H-3051

1 Amend Senate File 13 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 13, by inserting after line 14, the
4 following:

5 "g. Develop a video and written materials which
6 address the issue of pregnancy prevention. The video
7 and written materials shall be made available to all
8 public and nonpublic schools in Iowa offering
9 instruction in grades nine through twelve and shall be
10 used as a part of the health education curriculum.
11 The video shall focus on pregnancy prevention by
12 emphasizing sexual abstinence; by providing
13 information regarding the comparative failure rates of
14 contraceptives; by providing information regarding the
15 responsibilities, including the financial
16 responsibilities, associated with pregnancy and
17 support of a child; and by emphasizing responsible
18 decision making, development of self-esteem, and the
19 managing of peer pressure."

20 2. Page 15, by inserting before line 30, the
21 following:

22 "Sec. ____ . Section 256.11, subsection 5, paragraph
23 j, Code 1995, is amended by adding the following new
24 unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. The health education
26 program shall include the viewing of the video and
27 provision of the written materials created by the
28 advisory committee pursuant to section 135L.5 relating
29 to pregnancy prevention."

By DODERER of Johnson

H-3051 FILED FEBRUARY 8, 1995

(p. 378) out of order
2/9/95-

MAR 10 1995

SENATE FILE 13

H-3050

1 Amend the amendment, H-3009, to Senate File 13 as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 27 the
 5 following:
 6 "____. Page 9, line 13, by inserting after the
 7 word "minor." the following: "The court shall also
 8 advise the pregnant minor that a court-appointed
 9 licensed marital and family therapist is available to
 10 the minor, upon request, at no cost to the minor, to
 11 assist the pregnant minor in addressing any
 12 intrafamilial problems which might develop. If a
 13 licensed marital and family therapist is appointed by
 14 the court, the licensed marital and family therapist
 15 shall file a report with the court, following
 16 provision of services to the pregnant minor, stating
 17 the procedures undertaken, recommendations made, and
 18 any other matters as may be required by the court."
 19 _____. Page 9, line 33, by inserting after the word
 20 "minor." the following: "The court may consider any
 21 recommendations of a licensed marital and family
 22 therapist appointed by the court to provide counseling
 23 to the pregnant minor, in determining the best
 24 interest of the pregnant minor."
 25 _____. Page 10, line 16, by inserting after the
 26 word "proceedings." the following: "All costs of
 27 services provided by a court-appointed licensed
 28 marital and family therapist shall be paid by the
 29 court."
 30 2. Page 4, by inserting after line 37 the
 31 following:
 32 "3. A court-appointed licensed marital and family
 33 therapist who provides services to a pregnant minor
 34 under this chapter and who makes a good faith effort
 35 to comply with this chapter, is immune from any
 36 liability, civil or criminal, which might result from
 37 the provision of services under this chapter."

By BODDICKER of Cedar

H-3050 FILED FEBRUARY 8, 1995

WITHDRAWN

WITHDRAWN

P. 372

2/9/95

SENATE FILE 13

H-3055

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 11, by inserting before line 9 the
4 following:

5 "(5) The pregnant minor elects not to allow
6 notification of the pregnant minor's parent and the
7 pregnant minor provides documentation of counseling
8 regarding the performance of an abortion from a member
9 of the clergy. For the purposes of this paragraph,
10 "member of the clergy" means an ordained member of the
11 clergy."

12 2. Page 14, by inserting before line 30 the
13 following:

14 "(5) The pregnant minor elects not to allow
15 notification of the pregnant minor's parent and the
16 pregnant minor provides documentation of counseling
17 regarding the performance of an abortion from a member
18 of the clergy. For the purposes of this paragraph,
19 "member of the clergy" means an ordained member of the
20 clergy."

21 3. By renumbering as necessary.

By MARTIN of Scott	GRUNDBERG of Polk
JACOBS of Polk	CORMACK of Webster
NELSON of Marshall	NELSON of Pottawattamie
HAHN of Muscatine	BURNETT of Story
METCALF of Polk	MYERS of Johnson

H-3055 FILED FEBRUARY 8, 1995

*(p. 376) out of order
2/9/95*

SENATE FILE 13

H-3052

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate as
3 follows:

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

6 "_____. Page 13, by inserting after line 14, the
7 following:

8 "g. Develop a video and written materials which
9 address the issue of pregnancy prevention. The video
10 and written materials shall be made available to all
11 public and nonpublic schools in Iowa offering
12 instruction in grades nine through twelve and shall be
13 used as a part of the health education curriculum.
14 The video shall focus on pregnancy prevention by
15 emphasizing sexual abstinence; by providing
16 information regarding the comparative failure rates of
17 contraceptives; by providing information regarding the
18 responsibilities, including the financial
19 responsibilities, associated with pregnancy and
20 support of a child; and by emphasizing responsible
21 decision making, development of self-esteem, and the
22 managing of peer pressure.""

23 2. Page 4, by inserting after line 43 the
24 following:

25 "_____. Page 15, by inserting before line 30, the
26 following:

27 "Sec. _____. Section 256.11, subsection 5, paragraph
28 j, Code 1995, is amended by adding the following new
29 unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. The health education
31 program shall include the viewing of the video and
32 provision of the written materials created by the
33 advisory committee pursuant to section 135L.5 relating
34 to pregnancy prevention.""

By DODERER of Johnson

H-3052 FILED FEBRUARY 8, 1995

(p.378) *lost*
2/9/95

SENATE FILE 13

H-3058

- 1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, by inserting after line 21 the
4 following:
5 "Sec. ____ . NEW SECTION. 135L.8 PREGNANT MINOR --
6 RETENTION OF PARENTAL RIGHTS.
7 If a pregnant minor decides to continue the
8 pregnancy to term and retain parental rights to the
9 child following the child's birth, and if the pregnant
10 minor and the father of the child do not marry, the
11 pregnant minor and the child shall live in the home of
12 the pregnant minor's parent following the birth of the
13 child."
14 2. By renumbering as necessary.

By CONNORS of Polk
BAKER of Polk

H-3058 FILED FEBRUARY 8, 1995

(P. 389) out of order 2/9/95

SENATE FILE 13

H-3059

- 1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 25 the
5 following:
6 " ____ . Page 5, by inserting before line 14 the
7 following:
8 "Sec. ____ . NEW SECTION. 135L.2A NOTIFICATION OF
9 PARENT BY MINORS FOLLOWING SEXUAL INTERCOURSE.
10 Following the performance of sexual intercourse
11 involving a minor, any minor involved shall do all of
12 the following:
13 1. Notify a parent of the dates and times of the
14 performance of sexual intercourse.
15 2. Notify a parent of whether or not a
16 contraceptive was used during sexual intercourse and
17 the type of contraceptive used."
18 2. By renumbering as necessary.

By CONNORS of Polk
BAKER of Polk

H-3059 FILED FEBRUARY 8, 1995

(P. 372) lost 2/9/95

SENATE FILE 13

H-3056

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate as
3 follows:

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

6 "_____. Page 11, by inserting before line 9 the
7 following:

8 "(5) The pregnant minor elects not to allow
9 notification of the pregnant minor's parent and the
10 pregnant minor provides documentation of counseling
11 regarding the performance of an abortion from a member
12 of the clergy. For the purposes of this paragraph,
13 "member of the clergy" means an ordained member of the
14 clergy."

15 2. Page 4, by inserting after line 13 the
16 following:

17 "_____. Page 14, by inserting before line 30 the
18 following:

19 "(5) The pregnant minor elects not to allow
20 notification of the pregnant minor's parent and the
21 pregnant minor provides documentation of counseling
22 regarding the performance of an abortion from a member
23 of the clergy. For the purposes of this paragraph,
24 "member of the clergy" means an ordained member of the
25 clergy."

26 3. By renumbering as necessary.

By MARTIN of Scott GRUNDBERG of Polk
JACOBS of Polk CORMACK of Webster
NELSON of Marshall NELSON of Pottawattamie
HAHN of Muscatine BURNETT of Story
METCALF of Polk MYERS of Johnson

H-3056 FILED FEBRUARY 8, 1995

(p. 376) LOST 2/9/95

SENATE FILE 13

H-3057

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. _____. NEW SECTION. 135L.2A NOTIFICATION OF
6 PARENT BY MINORS FOLLOWING SEXUAL INTERCOURSE.

7 Following the performance of sexual intercourse
8 involving a minor, any minor involved shall do all of
9 the following:

10 1. Notify a parent of the dates and times of the
11 performance of sexual intercourse.

12 2. Notify a parent of whether or not a
13 contraceptive was used during sexual intercourse and
14 the type of contraceptive used."

15 2. By renumbering as necessary.

By CONNORS of Polk
BAKER of Polk

H-3057 FILED FEBRUARY 8, 1995

(P1389) out of order 2/9/95

SENATE FILE 13

H-3065

1 Amend the amendment, H-3031, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by inserting after line 19 the fol-
5 lowing:

6 "kk. Any statement made by a pregnant minor to an
7 officer of the court in connection with the
8 proceedings under this section, shall not be used as
9 evidence against the pregnant minor or an alleged
10 impregnator in any criminal or juvenile proceeding
11 brought pursuant to section 709.4, subsection 2,
12 paragraph "b"."

13 2. By relettering as necessary.

By WARNSTADT of Woodbury
METCALF of Polk

H-3065 FILED FEBRUARY 8, 1995

(P.385) 2/9/95 Adopted

SENATE FILE 13

H-3060

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by inserting after line 37 the
5 following:

6 "Sec. ____ . NEW SECTION. 135L.9 PREGNANT MINOR --
7 RETENTION OF PARENTAL RIGHTS.

8 If a pregnant minor decides to continue the
9 pregnancy to term and retain parental rights to the
10 child following the child's birth, and if the pregnant
11 minor and the father of the child do not marry, the
12 pregnant minor and the child shall live in the home of
13 the pregnant minor's parent following the birth of the
14 child.""

15 2. By renumbering as necessary.

By CONNORS of Polk
BAKER of Polk

H-3060 FILED FEBRUARY 8, 1995

(P.379) Lost 2/9/95

SENATE FILE 13

H-3063

1 Amend Senate File 13, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 10, by inserting after line 21 the fol-
 4 lowing:
 5 "kk. Any statement made by a pregnant minor to an
 6 officer of the court in connection with the
 7 proceedings under this section, shall not be used as
 8 evidence against the pregnant minor or an alleged
 9 impregnator in any criminal or juvenile proceeding
 10 brought pursuant to section 709.4, subsection 2,
 11 paragraph "b".
 12 2. By relettering as necessary.

By WARNSTADT of Woodbury
METCALF of Polk

H-3063 FILED FEBRUARY 8, 1995

(p. 373) out of Order 2/9/95

SENATE FILE 13

H-3064

1 Amend the amendment, H-3009, to Senate File 13, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 27 the
 5 following:
 6 "___". Page 10, by inserting after line 21 the
 7 following:
 8 "kk. Any statement made by a pregnant minor to an
 9 officer of the court in connection with the
 10 proceedings under this section, shall not be used as
 11 evidence against the pregnant minor or an alleged
 12 impregnator in any criminal or juvenile proceeding
 13 brought pursuant to section 709.4, subsection 2,
 14 paragraph "b".
 15 2. By relettering as necessary.

By WARNSTADT of Woodbury
METCALF of Polk

H-3064 FILED FEBRUARY 8, 1995

(p. 373) Adopted 2/9/95

SENATE FILE 13

H-3067

1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 27 the
5 following:

6 "____. Page 9, line 13, by inserting after the
7 word "minor." the following: "The court shall also
8 advise the pregnant minor that a court-appointed
9 licensed marital and family therapist is available to
10 the minor, upon request, at no cost to the minor, to
11 assist the pregnant minor in addressing any
12 intrafamilial problems which might develop. If a
13 licensed marital and family therapist is appointed by
14 the court, the licensed marital and family therapist
15 shall file a report with the court, following
16 provision of services to the pregnant minor, stating
17 the procedures undertaken, recommendations made, and
18 any other matters as may be required by the court."

19 _____. Page 9, line 33, by inserting after the word
20 "minor." the following: "The court may consider any
21 recommendations of a licensed marital and family
22 therapist appointed by the court to provide counseling
23 to the pregnant minor, in determining the best
24 interest of the pregnant minor."

25 _____. Page 10, line 16, by inserting after the
26 word "proceedings." the following: "All costs of
27 services provided by a court-appointed licensed
28 marital and family therapist shall be paid by the
29 court through the expenditure of funds appropriated to
30 the judicial department.""

31 2. Page 4, by inserting after line 37 the
32 following:

33 "3. A court-appointed licensed marital and family
34 therapist who provides services to a pregnant minor
35 under this chapter and who makes a good faith effort
36 to comply with this chapter, is immune from any
37 liability, civil or criminal, which might result from
38 the provision of services under this chapter.""

By BODDICKER of Cedar

H-3067 FILED FEBRUARY 9, 1995

ADOPTED

SENATE FILE 13

H-3066

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 19 and 20 and
5 inserting the following: "by the pregnant minor
6 certifying that".

7 2. Page 3, by striking lines 2 through 4 and
8 inserting the following: "viewing the video and
9 receiving the decision-making materials."

10 3. Page 3, by striking lines 12 and 13 and
11 inserting the following: "the pregnant minor shall
12 sign and date the".

13 4. Page 3, by striking lines 21 through 25 and
14 inserting the following: "certification form to the
15 pregnant minor.""

16 5. Page 4, by striking lines 16 through 26 and
17 inserting the following:

18 "____. Page 15, by striking lines 3 through 21 and
19 inserting the following:

20 "A person who does any of the following is guilty
21 of a fraudulent practice in the fourth degree pursuant
22 to section 714.12:

23 1. Knowingly tenders a false original or copy of
24 the signed and dated certification form to be retained
25 by the licensed physician or to be sent to the
26 pregnant minor's attending physician pursuant to
27 section 135L.2.

28 2. Knowingly tenders a false original or copy of
29 the notification document mailed to a parent or a
30 false original or copy of the order waiving
31 notification relative to the performance of an
32 abortion on a pregnant minor.""

33 6. By renumbering as necessary.

By BODDICKER of Cedar

H-3066 FILED FEBRUARY 9, 1995

ADOPTED

SENATE FILE 13

H-3070

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, by striking lines 4 through 12.
- 5 2. Page 1, line 37, by inserting after the word
6 "abortion." the following: "The video shall be
7 updated, annually."
- 8 3. Page 2, by striking lines 13 through 17.
- 9 4. Page 2, by striking lines 41 through 48 and
10 inserting the following: "by another source, the
11 licensed physician shall note, in the medical record
12 of the pregnant minor, that the pregnant minor has
13 previously been offered the viewing of the video and
14 the written decision-making materials by another
15 source. A licensed physician shall not perform an
16 abortion on a pregnant minor prior to obtaining the
17 completed certification form from the pregnant minor
18 or prior to making a notation in the pregnant minor's
19 medical record of the prior offering by another
20 source."
- 21 5. Page 3, by striking lines 23 through 25.
- 22 6. Page 3, by striking line 28.
- 23 7. Page 3, by striking lines 34 through 43.
- 24 8. Page 4, by striking line 11.
- 25 9. Page 5, by striking lines 1 through 7.
- 26 10. By renumbering as necessary.

By GRUNDBERG of Polk

H-3070 FILED FEBRUARY 9, 1995

LOST

SENATE FILE 13

H-3071

1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate as
3 follows:

- 4 1. Page 5, by striking lines 1 through 7.
- 5 2. By renumbering as necessary.

By GRUNDBERG of Polk

H-3071 FILED FEBRUARY 9, 1995

WITHDRAWN

P. 379 2/9/95

SENATE FILE 13

H-3073

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, line 16, by inserting after the word
5 "minor" the following: ", or a grandparent of a
6 pregnant minor".

By MUNDIE of Webster

H-3073 FILED FEBRUARY 9, 1995

LOST

2/9/95

P. 380

SENATE FILE 13

H-3068

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by inserting after line 43 the
5 following:

6 "____. Page 15, by inserting before line 30, the
7 following:

8 "Sec. ____ Section 279.50, subsection 1,
9 unnumbered paragraph 3, and subsection 2, Code 1995,
10 are amended to read as follows:

11 Each school board or community college which offers
12 general adult education classes or courses shall
13 periodically offer an instructional program in
14 parenting skills and in human growth and development
15 for parents, guardians, prospective biological and
16 adoptive parents, and foster parents. The
17 instructional program shall include instruction to
18 parents in teaching their children about human
19 sexuality.

20 2. Each area education agency shall periodically
21 offer a staff development program for teachers who
22 provide instruction in human growth and development.
23 The staff development program shall include
24 instruction to teachers who teach adult education
25 classes or courses in providing parents with
26 information regarding teaching their children about
27 human sexuality."

By MASCHER of Johnson

H-3068 FILED FEBRUARY 9, 1995

WITHDRAWN *2/9/95*
P. 379

SENATE FILE 13

H-3069

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 43, by inserting after the word
5 "appointment" the following: ", appointed by the
6 governor".

By BODDICKER of Cedar

H-3069 FILED FEBRUARY 9, 1995

ADOPTED

HOUSE AMENDMENT TO
SENATE FILE 13

S-3055

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 7 and 8.

4 2. Page 1, by striking lines 9 through 11 and
5 inserting the following:

6 "5. "Medical emergency" means a condition that,
7 based on a physician's clinical judgment, so
8 complicates the medical condition of a pregnant minor
9 as to necessitate the immediate abortion of the
10 minor's pregnancy to avert the minor's death or for
11 which a delay will create a risk of substantial and
12 irreversible impairment of a major bodily function."

13 3. Page 1, by striking lines 14 through 18 and
14 inserting the following:

15 "7. "Parent" means one parent or a legal guardian
16 or custodian of a pregnant minor."

17 4. Page 1, by striking line 21 and inserting the
18 following: "minor to assist the minor in the".

19 5. By striking page 1, line 23, through page 5,
20 line 13, and inserting the following:

21 "Sec. ____ . NEW SECTION. 135L.2 DECISION-MAKING
22 ASSISTANCE PROGRAM FOR PROSPECTIVE MINOR PARENTS
23 ESTABLISHED.

24 1. A decision-making assistance program is created
25 to provide assistance to minors in making informed
26 decisions relating to pregnancy. The program shall
27 offer and include all of the following:

28 a. (1) A video, to be developed by a person
29 selected through a request for proposals process,
30 which provides information regarding the various
31 options available to a pregnant minor with regard to
32 the pregnancy, including a decision to continue the
33 pregnancy to term and retain parental rights following
34 the child's birth, a decision to continue the
35 pregnancy to term and place the child for adoption
36 following the child's birth, and a decision to
37 terminate the pregnancy through abortion. The video
38 shall provide the information in a manner and
39 language, including but not limited to, the use of
40 closed captioning for the hearing-impaired, which
41 could be understood by a minor.

42 (2) The video shall explain that public and
43 private agencies are available to assist a pregnant
44 minor with any alternative chosen.

45 (2A) The video shall explain that if the pregnant
46 minor decides to continue the pregnancy to term, and
47 to retain parental rights to the child, the father of
48 the child is liable for the support of the child.

49 (3) The video shall explain that tendering false
50 documents is a fraudulent practice in the fourth

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1 degree pursuant to section 135L.7.

2 b. Written decision-making materials which include
3 all of the following:

4 (1) Information regarding the options described in
5 the video including information regarding the agencies
6 and programs available to provide assistance to the
7 pregnant minor in parenting a child; information
8 relating to adoption including but not limited to
9 information regarding child placing agencies as
10 defined in section 238.2, including private,
11 quasipublic, and public agencies or persons; and
12 information regarding abortion including but not
13 limited to the legal requirements relative to the
14 performance of an abortion on a pregnant minor. The
15 information provided shall include information
16 explaining that if a pregnant minor decides to
17 continue the pregnancy to term and to retain parental
18 rights, the father of the child is liable for the
19 support of the child and that if the pregnant minor
20 seeks public assistance on behalf of the child, the
21 pregnant minor shall, and if the pregnant minor is not
22 otherwise eligible as a public assistance recipient,
23 the pregnant minor may, seek the assistance of the
24 child support recovery unit in establishing the
25 paternity of the child, and in seeking support
26 payments for a reasonable amount of the costs
27 associated with the pregnancy, medical support, and
28 maintenance from the father of the child, or if the
29 father is a minor, from the parents of the minor
30 father. The information shall include a listing of
31 the agencies and programs and the services available
32 from each.

33 (2) A workbook which is to be used in viewing the
34 video and which includes a questionnaire and exercises
35 to assist a pregnant minor in viewing the video and in
36 considering the options available regarding the
37 minor's pregnancy.

38 (3) A detachable certification form to be signed
39 by the pregnant minor certifying that the pregnant
40 minor was offered a viewing of the video and the
41 written decision-making materials.

42 2. a. The video shall be available through the
43 state and local offices of the Iowa department of
44 public health, the department of human services, and
45 the judicial department and through the office of each
46 licensed physician who performs abortions.

47 b. The video may be available through the office
48 of any licensed physician who does not perform
49 abortions, upon the request of the physician; through
50 any nonprofit agency serving minors, upon the request

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1 of the agency; and through any other person providing
2 services to minors, upon the request of the person.

3 3. During the initial appointment between a
4 licensed physician and a pregnant minor, a licensed
5 physician, who is providing medical services to a
6 pregnant minor, shall offer the viewing of the video
7 and the written decision-making materials to the
8 pregnant minor, and shall obtain the signed and dated
9 certification form from the pregnant minor. If the
10 pregnant minor has previously been offered the viewing
11 of the video and the written decision-making materials
12 by another source, the licensed physician shall obtain
13 the completed written certification form from the
14 other source to verify that the pregnant minor has
15 been offered the viewing of the video and the written
16 decision-making materials. A licensed physician shall
17 not perform an abortion on a pregnant minor prior to
18 obtaining the completed certification form from a
19 pregnant minor.

20 4. A pregnant minor shall be encouraged to select
21 a responsible adult, preferably a parent of the
22 pregnant minor, to accompany the pregnant minor in
23 viewing the video and receiving the decision-making
24 materials.

25 5. The person responsible for impregnating the
26 pregnant minor shall also be involved in the viewing
27 of the video and in the receipt of written decision-
28 making materials.

29 6. Following the offering of the viewing of the
30 video and of the written decision-making materials,
31 the pregnant minor shall sign and date the
32 certification form attached to the materials, and
33 shall submit the completed form to the licensed
34 physician or provide the person making the offer with
35 information to send the completed form to the pregnant
36 minor's attending physician. The person offering the
37 viewing of the video and the decision-making materials
38 shall also provide a copy of the completed
39 certification form to the pregnant minor."

40 6. By striking page 5, line 14, through page 8,
41 line 17.

42 7. Page 10, by inserting after line 21 the
43 following:

44 "kk. Any statement made by a pregnant minor to an
45 officer of the court in connection with the
46 proceedings under this section, shall not be used as
47 evidence against the pregnant minor or an alleged
48 impregnator in any criminal or juvenile proceeding
49 brought pursuant to section 709.4, subsection 2,
50 paragraph "b"."

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1 8. Page 9, line 13, by inserting after the word
2 "minor." the following: "The court shall also advise
3 the pregnant minor that a court-appointed licensed
4 marital and family therapist is available to the
5 minor, upon request, at no cost to the minor, to
6 assist the pregnant minor in addressing any
7 intrafamilial problems which might develop. If a
8 licensed marital and family therapist is appointed by
9 the court, the licensed marital and family therapist
10 shall file a report with the court, following
11 provision of services to the pregnant minor, stating
12 the procedures undertaken, recommendations made, and
13 any other matters as may be required by the court."

14 9. Page 9, line 33, by inserting after the word
15 "minor." the following: "The court may consider any
16 recommendations of a licensed marital and family
17 therapist appointed by the court to provide counseling
18 to the pregnant minor, in determining the best
19 interest of the pregnant minor."

20 10. Page 10, line 16, by inserting after the word
21 "proceedings." the following: "All costs of services
22 provided by a court-appointed licensed marital and
23 family therapist shall be paid by the court through
24 the expenditure of funds appropriated to the judicial
25 department."

26 11. Page 11, by striking lines 6 through 8.

27 12. Page 11, line 20, by inserting after the word
28 "agency" the following: "other than a child-placing
29 agency under the management or control of any division
30 of the department of human services or any
31 administrator of the department of human services".

32 13. Page 11, by striking lines 22 and 23 and
33 inserting the following:

34 "(5) A representative of a crisis pregnancy
35 center.

36 (6) A representative of an abortion provider."

37 14. Page 12, by inserting after line 6 the
38 following:

39 "(5) A minor who is at least fourteen but less
40 than eighteen years of age at the time of the
41 appointment, appointed by the governor. "

42 15. Page 12, by striking lines 7 through 11 and
43 inserting the following:

44 "2. Representative associations of professionals
45 and providers who are to be appointed to the advisory
46 committee may submit a listing of nominees to the
47 governor. The governor may consider the listings in
48 appointing members to the advisory committee. The
49 governor shall appoint members who represent a variety
50 of philosophical views."

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Page 5

- 1 16. Page 13, line 5, by striking the word
2 "document" and inserting the following: "materials".
3 17. Page 13, line 25, by striking the words "or
4 emancipated pregnant minor's".
5 18. Page 13, by striking lines 28 through 33 and
6 inserting the following: "of an abortion on a
7 pregnant minor which results in the inapplicability of
8 section".
9 19. Page 14, by striking lines 23 through 25.
10 20. Page 14, line 29, by striking the word and
11 figure: "135L.3 or".
12 21. By striking page 14, line 30, through page
13 15, line 1.
14 22. Page 15, by striking lines 3 through 21 and
15 inserting the following:
16 "A person who does any of the following is guilty
17 of a fraudulent practice in the fourth degree pursuant
18 to section 714.12:
19 1. Knowingly tenders a false original or copy of
20 the signed and dated certification form to be retained
21 by the licensed physician or to be sent to the
22 pregnant minor's attending physician pursuant to
23 section 135L.2.
24 2. Knowingly tenders a false original or copy of
25 the notification document mailed to a parent or a
26 false original or copy of the order waiving
27 notification relative to the performance of an
28 abortion on a pregnant minor."
29 23. Page 15, by inserting after line 21 the
30 following:
31 "Sec. ____ . NEW SECTION. 135L.8 IMMUNITIES.
32 1. A person is immune from any liability, civil or
33 criminal, for any act, omission, or decision made in
34 connection with a good faith effort to comply with the
35 provisions of this chapter.
36 2. This section shall not be construed to limit
37 civil or criminal liability of a person for any act,
38 omission, or decision made in relation to the
39 performance of a medical procedure on a pregnant
40 minor.
41 3. A court-appointed licensed marital and family
42 therapist who provides services to a pregnant minor
43 under this chapter and who makes a good faith effort
44 to comply with this chapter, is immune from any
45 liability, civil or criminal, which might result from
46 the provision of services under this chapter."
47 24. Page 15, lines 22 and 23, by striking the
48 words "ADOPTION OF CHILD BORN TO A MINOR OR".
49 25. Page 15, by striking lines 27 through 29 and
50 inserting the following: "notification requirements

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- 1 relating to the performance of an abortion on a minor
- 2 pursuant to section 135L.4."
- 3 26. By striking page 15, line 30, through page
- 4 16, line 19.
- 5 27. Page 16, by inserting after line 27 the
- 6 following:
- 7 "Sections 1 and 4 of this Act relating to the
- 8 notification of a parent prior to the performance of
- 9 an abortion on a minor take effect July 1, 1995."
- 10 28. Title page, line 1, by striking the word
- 11 "process" and inserting the following: "assistance
- 12 program".
- 13 29. Title page, line 2, by inserting after the
- 14 word "parents" the following: "including notification
- 15 of a parent prior to the performance of an abortion on
- 16 a minor".
- 17 30. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3055 FILED FEBRUARY 9, 1995

*Senate concurred in as amended
5/1/95 (p. 1554)*

S-3663

1 Amend the House amendment, S-3055, to Senate File
 2 13, as amended, passed, and reprinted by the Senate,
 3 as follows:

A 4 1. Page 1, by striking lines 11 and 12, and
 5 inserting the following: "which a delay will create a
 6 serious health risk or impairment of a major bodily
 7 function."

B 8 2. Page 1, line 16, by inserting after the word
 9 "minor" the following: ", a grandparent of a pregnant
 10 minor, or an adult aunt or uncle of the pregnant
 11 minor".

C 12 3. Page 1, line 29, by inserting after the word
 13 "process" the following: "or other contractual
 14 agreement".

15 4. Page 3, line 19, by inserting after the word
 16 "minor." the following: "If the pregnant minor
 17 decides to terminate parental rights following the
 18 child's birth, a copy of the completed certification
 19 form shall be attached to the petition for termination
 20 of parental rights."

21 5. Page 3, line 41, by striking the figure "17."
 22 and inserting the following: "17 and inserting the
 23 following:

24 "Sec. ____ . NEW SECTION. 135L.3 NOTIFICATION OF
 25 PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE
 26 CHILD.

27 Following compliance with the provisions of section
 28 135L.2, a pregnant minor who chooses to place the
 29 pregnant minor's child for adoption is subject to the
 30 following conditions:

31 1. Notification of a parent of the pregnant minor
 32 of the pregnant minor's decision to place the child
 33 for adoption. Notification shall be made at least
 34 twenty-four hours prior to the conducting of the
 35 hearing on termination of parental rights and shall be
 36 made in person or by mailing the notification by
 37 restricted certified mail to the parent of the
 38 pregnant minor at the usual place of abode of the
 39 parent. For the purpose of delivery by restricted
 40 certified mail, the time of delivery is deemed to
 41 occur at twelve o'clock noon on the next day on which
 42 regular mail delivery takes place, subsequent to the
 43 mailing.

44 2. If the pregnant minor objects to the
 45 notification of a parent, the pregnant minor may
 46 petition the court to authorize waiver of the
 47 notification requirement in accordance with the
 48 following procedures:

49 a. The court shall ensure that the pregnant minor
 50 is provided with assistance in preparing and filing

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C 1 the petition for waiver of notification and shall
2 ensure that the pregnant minor's identity remains
3 confidential.

4 b. The pregnant minor may participate in the court
5 proceedings on the pregnant minor's own behalf. The
6 court may appoint a guardian ad litem for the pregnant
7 minor who may be the responsible adult and the court
8 shall appoint a guardian ad litem for the pregnant
9 minor if the pregnant minor is not accompanied by an
10 adult and if the pregnant minor has not viewed the
11 video as provided pursuant to section 135L.2. The
12 court shall advise the pregnant minor of the pregnant
13 minor's right to court-appointed legal counsel and
14 shall, upon the pregnant minor's request, provide the
15 pregnant minor with court-appointed legal counsel, at
16 no cost to the pregnant minor.

17 c. The court proceedings shall be conducted in a
18 manner which protects the confidentiality of the
19 pregnant minor and all court documents pertaining to
20 the proceedings shall remain confidential. Only the
21 pregnant minor, the pregnant minor's guardian ad
22 litem, the pregnant minor's legal counsel, and persons
23 whose presence is specifically requested by the
24 pregnant minor or by the pregnant minor's guardian ad
25 litem, or by the pregnant minor's legal counsel may
26 attend the hearing on the petition.

27 d. Notwithstanding any law or rule to the
28 contrary, the court proceedings under this section and
29 section 135L.4 shall be given precedence over other
30 pending matters to ensure that the court reaches a
31 decision expeditiously.

32 e. Upon petition and following an appropriate
33 hearing, the court shall waive the notification
34 requirements if the court determines either of the
35 following:

36 (1) That the pregnant minor is mature and capable
37 of providing informed consent to the termination of
38 parental rights for the purposes of adoption of the
39 pregnant minor's child.

40 (2) That the minor is not mature, or does not
41 claim to be mature, but that notification is not in
42 the best interest of the pregnant minor.

43 f. If the court does not deny the petition for
44 waiver of notification, the court shall issue specific
45 factual findings and legal conclusions, in writing, to
46 support the decision.

47 g. Upon conclusion of the hearing, the court shall
48 immediately issue a written order which shall be
49 provided immediately to the pregnant minor, the
50 pregnant minor's guardian ad litem, the pregnant

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1 minor's legal counsel, or any other person designated
2 by the pregnant minor to receive the order.

3 h. An expedited, confidential appeal shall be
4 available to a pregnant minor for whom the court
5 denies a petition for waiver of notification. An
6 order granting the pregnant minor's application for
7 waiver of notification is not subject to appeal.
8 Access to the appellate courts for the purpose of an
9 appeal under this section shall be provided to a
10 pregnant minor twenty-four hours a day, seven days a
11 week.

12 i. A pregnant minor who chooses to utilize the
13 waiver of notification procedures under this section
14 shall not be required to pay a fee at any level of the
15 proceedings. Fees charged and court costs taxed in
16 connection with a proceeding under this section are
17 waived.

18 j. Venue for proceedings under this section is in
19 any court in the state.

20 k. The supreme court shall prescribe rules to
21 ensure that the proceedings under this section are
22 performed in an expeditious and confidential manner.

23 l. The requirements of this section regarding
24 notification of a parent of a pregnant minor who
25 chooses to place the pregnant minor's child for
26 adoption do not apply if any of the following applies:

27 (1) A parent of the pregnant minor authorizes the
28 pregnant minor's decision, in writing, and a copy of
29 the written authorization is attached to the
30 termination of parental rights petition.

31 (2) The pregnant minor's attending physician
32 certifies in writing that a medical emergency exists
33 which necessitates the immediate performance of an
34 abortion in accordance with section 135L.6.

35 (3) The pregnant minor declares that the pregnant
36 minor is a victim of child abuse pursuant to section
37 232.68, the person responsible for the care of the
38 child is a parent of the child, and either the abuse
39 has been reported pursuant to the procedures
40 prescribed in chapter 232, division III, part 2, or a
41 parent of the child is named in a report of founded
42 child abuse. The department of human services shall
43 maintain confidentiality under chapter 232 regarding
44 the pregnant minor's pregnancy.

45 (4) The pregnant minor declares that the pregnant
46 minor is a victim of sexual abuse as defined in
47 chapter 709 and has reported the sexual abuse to law
48 enforcement.

49 m. A copy of the completed certification form
50 pursuant to section 135L.2, a copy of the notification

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C 1 document mailed to a parent, or a copy of the order
2 waiving notification shall be attached to the petition
3 for termination of parental rights, unless the
4 pregnant minor is otherwise exempt from obtaining any
5 of these documents under this chapter."
6 6. Page 4, by striking lines 1 through 25 and
7 inserting the following:
8 "____. Page 9, by striking lines 7 and 8 and
9 inserting the following: "proceedings on the pregnant
10 minor's own behalf. The court may appoint a guardian
11 ad litem for the pregnant minor and the court shall
12 appoint a guardian ad litem for the pregnant minor if
13 the pregnant minor is not accompanied by an adult and
14 if the pregnant minor has not viewed the video as
15 provided pursuant to section 135L.2. The".
16 _____. Page 9, line 15, by striking the word
17 "anonymity" and inserting the following:
18 "confidentiality".
19 _____. Page 9, line 23, by striking the word "The"
20 and inserting the following: "Notwithstanding any law
21 or rule to the contrary, the".
22 _____. Page 9, line 34, by striking the word "The"
23 and inserting the following: "If the court does not
24 deny the petition for waiver of notification, the".
25 _____. Page 10, line 7, by striking the word
26 "anonymous,".
27 _____. Page 10, line 16, by inserting after the
28 word "proceedings." the following: "Fees charged and
29 court costs taxed in connection with a proceeding
30 under this section are waived."
31 _____. Page 10, line 21, by striking the word "
32 anonymous,".
33 7. Page 4, by striking line 26.
34 8. Page 4, by inserting before line 27 the
35 following:
36 "____. Page 11, lines 15 and 16, by striking the
37 words "with confirmation by the senate"."
38 9. Page 4, by inserting after line 50 the
39 following:
40 "____. Page 12, lines 12 and 13, by striking the
41 words "pursuant to section 69.19" and inserting the
42 following: "on the date on which all members are
43 appointed".
44 _____. Page 12, line 26, by inserting after the
45 word "process" the following: "or other contractual
46 arrangement".
47 _____. Page 12, line 27, by inserting after the
48 word "applications" the following: "or upon agreement
49 of a simple majority of the members to a contractual
50 agreement"."

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1 10. Page 5, by inserting after line 2 the
 2 following:
 3 "____. Page 13, line 20, by inserting after the
 4 figure "1996." the following: "The advisory committee
 5 shall submit a report to the general assembly by
 6 January 8, 1996, regarding the progress of the
 7 committee in completing the committee's duties
 8 regarding the development and distribution of the
 9 video.""

10 11. Page 5, line 8, by inserting after the word
 11 "section" the following: "135L.3 with regard to
 12 notification of a parent prior to the termination of
 13 parental rights of a pregnant minor for the purposes
 14 of placing the child for adoption or of section".

15 12. Page 5, by striking line 9.

16 13. Page 5, by striking lines 10 and 11.

17 14. Page 5, line 21, by striking the words
 18 "physician or" and inserting the following:
 19 "physician,".

20 15. Page 5, line 22, by inserting after the word
 21 "physician" the following: ", or to be attached to
 22 the termination of parental rights petition".

23 16. Page 5, line 28, by inserting after the word
 24 "minor" the following: "or relative to the
 25 termination of parental rights of a pregnant minor".

26 17. Page 5, by striking lines 41 through 46.

27 18. By striking page 5, line 47, through page 6,
 28 line 4, and inserting the following:
 29 "____. Page 16, line 23, by striking the word
 30 "thirty" and inserting the following: "sixty"."

31 19. Page 6, by striking lines 5 through 9 and
 32 inserting the following:
 33 "____. By striking page 16, line 28, through page
 34 17, line 3, and inserting the following:
 35 "If the advisory committee created pursuant to
 36 section 135L.5 has completed its duties regarding the
 37 development and distribution of the video pursuant to
 38 section 135L.2 prior to January 1, 1996, the remainder
 39 of this Act takes effect January 1, 1996. However, if
 40 the advisory committee has not completed its duties
 41 prior to January 1, 1996, sections 1 through 4 and 6
 42 through 9 of this Act take effect July 1, 1996.""

43 20. By renumbering, relettering, and correcting
 44 internal references as necessary.

By ELAINE SZYMONIAK
 MERLIN E. BARTZ

MARY E. KRAMER
 LARRY MURPHY

S-3663 FILED MAY 1, 1995

DIV. A-ADOPTED, DIV. B-ADOPTED, DIV. C-ADOPTED

(p. 1551)

(p. 1562)

(p. 1554)

SENATE FILE 13

S-3664

- 1 Amend the amendment, S-3663, to the House
- 2 amendment, S-3055, to Senate File 13, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 2, by striking lines 43 and 44 and
- 5 inserting the following:
- 6 "f. The court shall issue specific".
- 7 2. Page 4, by striking lines 22 through 24.
- 8 3. By renumbering as necessary.

By MERLIN E. BARTZ

S-3664 FILED MAY 1, 1995
ADOPTED (p.1552)

SENATE FILE 13

S-3665

- 1 Amend the amendment, S-3663, to the House
- 2 amendment, S-3055, to Senate File 13, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 3, by striking lines 45 through 48.
- 5 2. Page 4, by striking line 33.
- 6 3. Page 5, by striking line 15.
- 7 4. By renumbering as necessary.

By ALLEN BORLAUG

S-3665 FILED MAY 1, 1995
LOST (p.1553)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 13
H-4195

1 Amend the House amendment, S-3055, to Senate File
2 13, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 11 and 12, and
5 inserting the following: "which a delay will create a
6 serious health risk or impairment of a major bodily
7 function."

8 2. Page 1, line 16, by inserting after the word
9 "minor" the following: ", a grandparent of a pregnant
10 minor, or an adult aunt or uncle of the pregnant
11 minor".

12 3. Page 1, line 29, by inserting after the word
13 "process" the following: "or other contractual
14 agreement".

15 4. Page 3, line 19, by inserting after the word
16 "minor." the following: "If the pregnant minor
17 decides to terminate parental rights following the
18 child's birth, a copy of the completed certification
19 form shall be attached to the petition for termination
20 of parental rights."

21 5. Page 3, line 41, by striking the figure "17."
22 and inserting the following: "17 and inserting the
23 following:

24 "Sec. _____. NEW SECTION. 135L.3 NOTIFICATION OF
25 PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE
26 CHILD.

27 Following compliance with the provisions of section
28 135L.2, a pregnant minor who chooses to place the
29 pregnant minor's child for adoption is subject to the
30 following conditions:

31 1. Notification of a parent of the pregnant minor
32 of the pregnant minor's decision to place the child
33 for adoption. Notification shall be made at least
34 twenty-four hours prior to the conducting of the
35 hearing on termination of parental rights and shall be
36 made in person or by mailing the notification by
37 restricted certified mail to the parent of the
38 pregnant minor at the usual place of abode of the
39 parent. For the purpose of delivery by restricted
40 certified mail, the time of delivery is deemed to
41 occur at twelve o'clock noon on the next day on which
42 regular mail delivery takes place, subsequent to the
43 mailing.

44 2. If the pregnant minor objects to the
45 notification of a parent, the pregnant minor may
46 petition the court to authorize waiver of the
47 notification requirement in accordance with the
48 following procedures:

49 a. The court shall ensure that the pregnant minor
50 is provided with assistance in preparing and filing

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1 the petition for waiver of notification and shall
2 ensure that the pregnant minor's identity remains
3 confidential.

4 b. The pregnant minor may participate in the court
5 proceedings on the pregnant minor's own behalf. The
6 court may appoint a guardian ad litem for the pregnant
7 minor who may be the responsible adult and the court
8 shall appoint a guardian ad litem for the pregnant
9 minor if the pregnant minor is not accompanied by an
10 adult and if the pregnant minor has not viewed the
11 video as provided pursuant to section 135L.2. The
12 court shall advise the pregnant minor of the pregnant
13 minor's right to court-appointed legal counsel and
14 shall, upon the pregnant minor's request, provide the
15 pregnant minor with court-appointed legal counsel, at
16 no cost to the pregnant minor.

17 c. The court proceedings shall be conducted in a
18 manner which protects the confidentiality of the
19 pregnant minor and all court documents pertaining to
20 the proceedings shall remain confidential. Only the
21 pregnant minor, the pregnant minor's guardian ad
22 litem, the pregnant minor's legal counsel, and persons
23 whose presence is specifically requested by the
24 pregnant minor or by the pregnant minor's guardian ad
25 litem, or by the pregnant minor's legal counsel may
26 attend the hearing on the petition.

27 d. Notwithstanding any law or rule to the
28 contrary, the court proceedings under this section and
29 section 135L.4 shall be given precedence over other
30 pending matters to ensure that the court reaches a
31 decision expeditiously.

32 e. Upon petition and following an appropriate
33 hearing, the court shall waive the notification
34 requirements if the court determines either of the
35 following:

36 (1) That the pregnant minor is mature and capable
37 of providing informed consent to the termination of
38 parental rights for the purposes of adoption of the
39 pregnant minor's child.

40 (2) That the minor is not mature, or does not
41 claim to be mature, but that notification is not in
42 the best interest of the pregnant minor.

43 f. The court shall issue specific factual findings
44 and legal conclusions, in writing, to support the
45 decision.

46 g. Upon conclusion of the hearing, the court shall
47 immediately issue a written order which shall be
48 provided immediately to the pregnant minor, the
49 pregnant minor's guardian ad litem, the pregnant
50 minor's legal counsel, or any other person designated

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1 by the pregnant minor to receive the order.
2 h. An expedited, confidential appeal shall be
3 available to a pregnant minor for whom the court
4 denies a petition for waiver of notification. An
5 order granting the pregnant minor's application for
6 waiver of notification is not subject to appeal.
7 Access to the appellate courts for the purpose of an
8 appeal under this section shall be provided to a
9 pregnant minor twenty-four hours a day, seven days a
10 week.
11 i. A pregnant minor who chooses to utilize the
12 waiver of notification procedures under this section
13 shall not be required to pay a fee at any level of the
14 proceedings. Fees charged and court costs taxed in
15 connection with a proceeding under this section are
16 waived.
17 j. Venue for proceedings under this section is in
18 any court in the state.
19 k. The supreme court shall prescribe rules to
20 ensure that the proceedings under this section are
21 performed in an expeditious and confidential manner.
22 l. The requirements of this section regarding
23 notification of a parent of a pregnant minor who
24 chooses to place the pregnant minor's child for
25 adoption do not apply if any of the following applies:
26 (1) A parent of the pregnant minor authorizes the
27 pregnant minor's decision, in writing, and a copy of
28 the written authorization is attached to the
29 termination of parental rights petition.
30 (2) The pregnant minor's attending physician
31 certifies in writing that a medical emergency exists
32 which necessitates the immediate performance of an
33 abortion in accordance with section 135L.6.
34 (3) The pregnant minor declares that the pregnant
35 minor is a victim of child abuse pursuant to section
36 232.68, the person responsible for the care of the
37 child is a parent of the child, and either the abuse
38 has been reported pursuant to the procedures
39 prescribed in chapter 232, division III, part 2, or a
40 parent of the child is named in a report of founded
41 child abuse. The department of human services shall
42 maintain confidentiality under chapter 232 regarding
43 the pregnant minor's pregnancy.
44 (4) The pregnant minor declares that the pregnant
45 minor is a victim of sexual abuse as defined in
46 chapter 709 and has reported the sexual abuse to law
47 enforcement.
48 m. A copy of the completed certification form
49 pursuant to section 135L.2, a copy of the notification
50 document mailed to a parent, or a copy of the order

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1 waiving notification shall be attached to the petition
2 for termination of parental rights, unless the
3 pregnant minor is otherwise exempt from obtaining any
4 of these documents under this chapter."

5 6. Page 4, by striking lines 1 through 25 and
6 inserting the following:

7 "_____. Page 9, by striking lines 7 and 8 and
8 inserting the following: "proceedings on the pregnant
9 minor's own behalf. The court may appoint a guardian
10 ad litem for the pregnant minor and the court shall
11 appoint a guardian ad litem for the pregnant minor if
12 the pregnant minor is not accompanied by an adult and
13 if the pregnant minor has not viewed the video as
14 provided pursuant to section 135L.2. The".

15 _____. Page 9, line 15, by striking the word
16 "anonymity" and inserting the following:
17 "confidentiality".

18 _____. Page 9, line 23, by striking the word "The"
19 and inserting the following: "Notwithstanding any law
20 or rule to the contrary, the".

21 _____. Page 10, line 7, by striking the word
22 "anonymous,".

23 _____. Page 10, line 16, by inserting after the
24 word "proceedings." the following: "Fees charged and
25 court costs taxed in connection with a proceeding
26 under this section are waived."

27 _____. Page 10, line 21, by striking the word "
28 anonymous,".

29 7. Page 4, by striking line 26.

30 8. Page 4, by inserting before line 27 the
31 following:

32 "_____. Page 11, lines 15 and 16, by striking the
33 words "with confirmation by the senate."

34 9. Page 4, by inserting after line 50 the
35 following:

36 "_____. Page 12, lines 12 and 13, by striking the
37 words "pursuant to section 69.19" and inserting the
38 following: "on the date on which all members are
39 appointed".

40 _____. Page 12, line 26, by inserting after the
41 word "process" the following: "or other contractual
42 arrangement".

43 _____. Page 12, line 27, by inserting after the
44 word "applications" the following: "or upon agreement
45 of a simple majority of the members to a contractual
46 agreement".

47 10. Page 5, by inserting after line 2 the
48 following:

49 "_____. Page 13, line 20, by inserting after the
50 figure "1996." the following: "The advisory committee

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- 1 shall submit a report to the general assembly by
2 January 8, 1996, regarding the progress of the
3 committee in completing the committee's duties
4 regarding the development and distribution of the
5 video.""
- 6 11. Page 5, line 8, by inserting after the word
7 "section" the following: "135L.3 with regard to
8 notification of a parent prior to the termination of
9 parental rights of a pregnant minor for the purposes
10 of placing the child for adoption or of section".
- 11 12. Page 5, by striking line 9.
- 12 13. Page 5, by striking lines 10 and 11.
- 13 14. Page 5, line 21, by striking the words
14 "physician or" and inserting the following:
15 "physician,".
- 16 15. Page 5, line 22, by inserting after the word
17 "physician" the following: ", or to be attached to
18 the termination of parental rights petition".
- 19 16. Page 5, line 28, by inserting after the word
20 "minor" the following: "or relative to the
21 termination of parental rights of a pregnant minor".
- 22 17. Page 5, by striking lines 41 through 46.
- 23 18. By striking page 5, line 47, through page 6,
24 line 4, and inserting the following:
25 "____. Page 16, line 23, by striking the word
26 "thirty" and inserting the following: "sixty"."
- 27 19. Page 6, by striking lines 5 through 9 and
28 inserting the following:
29 "____. By striking page 16, line 28, through page
30 17, line 3, and inserting the following:
31 "If the advisory committee created pursuant to
32 section 135L.5 has completed its duties regarding the
33 development and distribution of the video pursuant to
34 section 135L.2 prior to January 1, 1996, the remainder
35 of this Act takes effect January 1, 1996. However, if
36 the advisory committee has not completed its duties
37 prior to January 1, 1996, sections 1 through 4 and 6
38 through 9 of this Act take effect July 1, 1996.""
- 39 20. By renumbering, relettering, and correcting
40 internal references as necessary.

RECEIVED FROM THE SENATE

H-4195 FILED MAY 2, 1995

House refused to concur (p. 2159)
Senate insists (p. 1570)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 13

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 13, a bill for An Act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4195.
2. That the House recedes from its amendment, S-3055.
3. That Senate File 13, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. NEW SECTION. 135L.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Abortion" means an abortion as defined in chapter 146.
2. "Adult" means a person eighteen years of age or older.
3. "Aunt or uncle" means an aunt or uncle of the pregnant minor who is twenty-five years of age or older.
4. "Child-placing agency" means any agency, public, semipublic, or private, which represents itself as placing

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children, receiving children for placement, or actually engaging in placement of children and includes the department of human services.

5. "Court" means the juvenile court.

6. "Grandparent" means the parent of an individual who is the parent of the pregnant minor.

7. "Medical emergency" means a condition which, based upon a physician's judgment, necessitates an abortion to avert the pregnant minor's death, or for which a delay will create a risk of serious impairment of a major bodily function.

8. "Minor" means a person under eighteen years of age who has not been and is not married.

9. "Parent" means one parent or a legal guardian or custodian of a pregnant minor.

10. "Responsible adult" means an adult, who is not associated with an abortion provider, chosen by a pregnant minor to assist the minor in the decision-making process established in this chapter.

Sec. 2. NEW SECTION. 135L.2 PROSPECTIVE MINOR PARENTS DECISION-MAKING ASSISTANCE PROGRAM ESTABLISHED.

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

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

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

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

(4) The video shall explain that tendering false documents is a fraudulent practice in the fourth degree pursuant to section 135L.7.

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

(1) Information regarding the options described in the video including information regarding the agencies and programs available to provide assistance to the pregnant minor in parenting a child; information relating to adoption including but not limited to information regarding child-placing agencies; and information regarding abortion including but not limited to the legal requirements relative to the performance of an abortion on a pregnant minor. The information provided shall include information explaining that if a pregnant minor decides to continue the pregnancy to term and to retain parental rights, the father of the child is liable for the support of the child and that if the pregnant minor seeks public assistance on behalf of the child, the pregnant minor shall, and if the pregnant minor is not otherwise eligible as a public assistance recipient, the pregnant minor may, seek the assistance of the child support recovery unit in establishing the paternity of the child, and in seeking support payments for a reasonable amount of the costs associated with the pregnancy, medical support, and maintenance from the father of the child, or if the father is a minor, from the parents of the minor father. The information shall include a listing of the agencies and programs and the services available from each.

(2) A workbook which is to be used in viewing the video

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and which includes a questionnaire and exercises to assist a pregnant minor in viewing the video and in considering the options available regarding the minor's pregnancy.

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

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

b. The video may be available through the office of any licensed physician who does not perform abortions, upon the request of the physician; through any nonprofit agency serving minors, upon the request of the agency; and through any other person providing services to minors, upon the request of the person.

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.

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

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

6. Following the offering of the viewing of the video and of the written decision-making materials, the pregnant minor shall sign and date the certification form attached to the materials, and shall submit the completed form to the licensed physician or provide the person making the offer with information to send the completed form to the pregnant minor's attending physician. The person offering the viewing of the video and the decision-making materials shall also provide a copy of the completed certification form to the pregnant minor.

Sec. 3. NEW SECTION. 135L.3 NOTIFICATION OF PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE CHILD.

Following compliance with the provisions of section 135L.2, a pregnant minor who chooses to place the pregnant minor's child for adoption is subject to the following conditions:

1. Notification of a parent of the pregnant minor of the pregnant minor's decision to place the child for adoption. Notification shall be made at least twenty-four hours prior to the conducting of the hearing on termination of parental rights. The pregnant minor's attorney or the child-placing agency shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

2. If the pregnant minor objects to the notification of a

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parent, the pregnant minor may petition the court to authorize waiver of the notification requirement in accordance with the following procedures:

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

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor who may be the responsible adult and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor or by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

d. Notwithstanding any law or rule to the contrary, the court proceedings under this section and section 135L.4 shall

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be given precedence over other pending matters to ensure that the court reaches a decision expeditiously.

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

(1) That the pregnant minor is mature and capable of providing informed consent to the termination of parental rights for the purposes of adoption of the pregnant minor's child.

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

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

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

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

i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint

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a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor who chooses to place the pregnant minor's child for adoption do not apply if any of the following applies:

(1) A parent of the pregnant minor authorizes the pregnant minor's decision, in writing, and a copy of the written authorization is attached to the termination of parental rights petition.

(2) (a) The pregnant minor declares, in a written statement submitted to the pregnant minor's legal counsel or to the child-placing agency providing services to the pregnant minor, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the pregnant minor's legal counsel or the child-placing agency providing services to the pregnant minor shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts

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notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy.

(4) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

n. A copy of the completed certification form pursuant to section 135L.2, and a copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor, or a copy of the order waiving notification shall be attached to the petition for termination of parental rights, unless the pregnant minor is otherwise exempt from obtaining any of these documents under this chapter.

o. Noncompliance with the provisions of this section is not grounds for any of the following:

(1) Denial, modification, vacation, or appeal of a termination of parental rights order issued pursuant to section 600A.9.

(2) Denial, modification, vacation, or appeal of an interlocutory or final adoption decree rendered under section 600.13.

Sec. 4. NEW SECTION. 135L.4 NOTIFICATION OF PARENT PRIOR TO THE PERFORMANCE OF ABORTION ON A PREGNANT MINOR -- REQUIREMENTS -- CRIMINAL PENALTY.

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

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2. The person who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

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

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

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel, and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner

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which protects the confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor, by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

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

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

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

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

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

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

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

i. A pregnant minor who chooses to utilize the waiver of

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notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and if the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor prior to the performance of an abortion on a pregnant minor do not apply if any of the following applies:

(1) The abortion is authorized in writing by a parent entitled to notification.

(2) (a) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

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(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion in accordance with section 135L.6.

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained.

(5) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

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

Sec. 5. NEW SECTION. 135L.5 PROSPECTIVE MINOR PARENTS PROGRAM ADVISORY COMMITTEE CREATED.

1. A prospective minor parents program advisory committee is created which shall be composed of all of the following:

a. The following members appointed by the governor:

(1) A health care professional.

(2) A counselor, who has expertise in sexual abuse counseling.

(3) A representative of a child placing agency other than a child-placing agency under the management or control of any division of the department of human services or any

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administrator of the department of human services.

- (4) A juvenile court judge.
- (5) A representative of a crisis pregnancy center.
- (6) A representative of an abortion provider.
- (7) A representative of an adolescent treatment program.
- (8) A school nurse.
- (9) A secondary school teacher.
- (10) A parent.
- (11) A person ordained or designated as a regular leader of a religious community.
- (12) The director of public health, or the director's designee.

b. The following nonvoting members:

- (1) Two members of the senate appointed by the majority leader of the senate after consultation with the minority leader of the senate.
- (2) Two members of the house of representatives appointed by the speaker of the house after consultation with the majority leader and the minority leader of the house.
- (3) The director of human services, or the director's designee.
- (4) The director of the department of education, or the director's designee.
- (5) A minor who is at least fourteen but less than eighteen years of age at the time of the appointment, appointed by the governor.

2. Representative associations of professionals and providers who are to be appointed to the advisory committee may submit a listing of nominees to the governor. The governor may consider the listings in appointing members to the advisory committee. The governor shall appoint members who represent a variety of philosophical views.

3. Members shall serve terms beginning on the date on which all members are initially appointed. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner

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of the original appointments.

4. Nonlegislative members shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members shall receive compensation pursuant to section 2.10.

5. The committee shall select a chairperson, annually, from its membership. A majority of the voting members of the committee constitutes a quorum.

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

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

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

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

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

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

f. Receive input from the public regarding the program through the use of public hearings, focus groups, surveys, and

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other formats.

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

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

9. The advisory committee shall submit a report to the general assembly on or before January 8, 1997, regarding the progress of the committee in completing the committee's duties regarding the development and distribution of the video.

10. The Iowa department of public health shall provide administrative support to the advisory committee.

Sec. 6. NEW SECTION. 135L.6 MEDICAL EMERGENCY EXCEPTION
-- ALTERNATIVE PROCEDURE.

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 135L.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:

1. Certify in writing the basis for the medical judgment that a medical emergency exists and make the written certification available to a parent of the pregnant minor prior to performance of the abortion, if possible.

2. If it is not possible to provide a parent of the pregnant minor with written certification prior to performance of the abortion under subsection 1, the physician shall provide the written certification to a parent of the pregnant minor within twelve hours following the performance of the abortion unless one of the following applies:

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

b. (1) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(2) The notification form shall be in duplicate and shall include both of the following:

(a) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(b) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

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

d. The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

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 135L.3 or 135L.4.

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Sec. 7. NEW SECTION. 135L.7 FRAUDULENT PRACTICE.

A person who does any of the following is guilty of a fraudulent practice in the fourth degree pursuant to section 714.12:

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, to be sent to the pregnant minor's attending physician, or to be attached to the termination of parental rights petition pursuant to section 135L.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. 8. NEW SECTION. 135L.8 IMMUNITIES.

1. With the exception of the civil liability which may apply to a grandparent or aunt or uncle of a pregnant minor who accepts notification under this chapter, a person is immune from any liability, civil or criminal, for any act, omission, or decision made in connection with a good faith effort to comply with the provisions of this chapter.

2. This section shall not be construed to limit civil or criminal liability of a person for any act, omission, or decision made in relation to the performance of a medical procedure on a pregnant minor.

Sec. 9. NEW SECTION. 135L.9 ADOPTION OF RULES -- IMPLEMENTATION AND DOCUMENTS.

The Iowa department of public health shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent, grandparent, or aunt

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or uncle of a pregnant minor who is designated to receive notification under this chapter.

Sec. 10. NEW SECTION. 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 135L.3 and 135L.4.

Sec. 11. Section 600.13, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Noncompliance with the provisions of section 135L.2 or 135L.3 is not grounds for denial, modification, vacation, or appeal of an interlocutory or final adoption decree.

Sec. 12. Section 600A.4, subsection 4, Code 1995, is amended to read as follows:

4. Either a parent who has signed a release of custody, or a nonsigning parent, may, at any time prior to the entry of an order terminating parental rights, request the juvenile court designated in section 600A.5 to order the revocation of any release of custody previously executed by either parent. If such request is by a signing parent, and is within ninety-six hours of the time such parent signed a release of custody, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release or releases revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. Noncompliance by a pregnant minor with the provisions of section 135L.2 or 135L.3 does not constitute good cause for revocation. In determining whether good cause exists for revocation, the juvenile court shall give paramount consideration to the best interests of the

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child including avoidance of a disruption of an existing relationship between a parent and child. The juvenile court shall also give due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

Sec. 13. Section 600A.9, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Noncompliance with the provisions of section 135L.2 or 135L.3 is not grounds for denial, modification, vacation, or appeal of a termination of parental rights order.

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

If the advisory committee created pursuant to section 135L.5 has completed its duties regarding the development and distribution of the video pursuant to section 135L.2 prior to January 1, 1997, the remainder of this Act takes effect January 1, 1997. However, even if the advisory committee has not completed its duties prior to January 1, 1997, and the video is not developed and distributed prior to January 1, 1997, the remaining sections of this Act, exclusive of the section which creates section 135L.5, and exclusive of the section and provisions which relate to development, distribution, and offering of the video and the written decision-making materials, take effect January 1, 1997.

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

2. Title page, by striking lines 1 through 3, and

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inserting the following: "An Act relating to the establishment of a prospective minor parents decision-making assistance program, providing penalties, providing a repeal, and providing effective dates."

ON THE PART OF THE SENATE:

ELAINE SZYMONIAK, Chairperson
MERLIN E. BARTZ
MARY E. KRAMER
LARRY MURPHY

ON THE PART OF THE HOUSE:

DAN BODDICKER, Chairperson
DONNA HAMMITT BARRY
CHARLES HURLEY

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ADOPTED

FILED MARCH 13, 1996

(P.772)

*Adopted
3-14-96
(p. 756)*

CORRECTED COPY

Please replace previously distributed page 38

SENATE FILE 13

AN ACT

RELATING TO THE ESTABLISHMENT OF A PROSPECTIVE MINOR PARENTS DECISION-MAKING ASSISTANCE PROGRAM, PROVIDING PENALTIES, PROVIDING A REPEAL, AND PROVIDING EFFECTIVE DATES.

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

Section 1. NEW SECTION. 135L.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Abortion" means an abortion as defined in chapter 146.
2. "Adult" means a person eighteen years of age or older.
3. "Aunt or uncle" means an aunt or uncle of the pregnant minor who is twenty-five years of age or older.
4. "Child-placing agency" means any agency, public, semipublic, or private, which represents itself as placing children, receiving children for placement, or actually engaging in placement of children and includes the department of human services.
5. "Court" means the juvenile court.
6. "Grandparent" means the parent of an individual who is the parent of the pregnant minor.
7. "Medical emergency" means a condition which, based upon a physician's judgment, necessitates an abortion to avert the pregnant minor's death, or for which a delay will create a risk of serious impairment of a major bodily function.
8. "Minor" means a person under eighteen years of age who has not been and is not married.
9. "Parent" means one parent or a legal guardian or custodian of a pregnant minor.
10. "Responsible adult" means an adult, who is not associated with an abortion provider, chosen by a pregnant

minor to assist the minor in the decision-making process established in this chapter.

Sec. 2. NEW SECTION. 135L.2 PROSPECTIVE MINOR PARENTS DECISION-MAKING ASSISTANCE PROGRAM ESTABLISHED.

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

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

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

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

(4) The video shall explain that tendering false documents is a fraudulent practice in the fourth degree pursuant to section 135L.7.

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

(1) Information regarding the options described in the video including information regarding the agencies and programs available to provide assistance to the pregnant minor

in parenting a child; information relating to adoption including but not limited to information regarding child-placing agencies; and information regarding abortion including but not limited to the legal requirements relative to the performance of an abortion on a pregnant minor. The information provided shall include information explaining that if a pregnant minor decides to continue the pregnancy to term and to retain parental rights, the father of the child is liable for the support of the child and that if the pregnant minor seeks public assistance on behalf of the child, the pregnant minor shall, and if the pregnant minor is not otherwise eligible as a public assistance recipient, the pregnant minor may, seek the assistance of the child support recovery unit in establishing the paternity of the child, and in seeking support payments for a reasonable amount of the costs associated with the pregnancy, medical support, and maintenance from the father of the child, or if the father is a minor, from the parents of the minor father. The information shall include a listing of the agencies and programs and the services available from each.

(2) A workbook which is to be used in viewing the video and which includes a questionnaire and exercises to assist a pregnant minor in viewing the video and in considering the options available regarding the minor's pregnancy.

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

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

b. The video may be available through the office of any licensed physician who does not perform abortions, upon the

request of the physician; through any nonprofit agency serving minors, upon the request of the agency; and through any other person providing services to minors, upon the request of the person.

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.

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

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

6. Following the offering of the viewing of the video and of the written decision-making materials, the pregnant minor shall sign and date the certification form attached to the materials, and shall submit the completed form to the licensed physician or provide the person making the offer with

information to send the completed form to the pregnant minor's attending physician. The person offering the viewing of the video and the decision-making materials shall also provide a copy of the completed certification form to the pregnant minor.

Sec. 3. NEW SECTION. 135L.3 NOTIFICATION OF PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE CHILD.

Following compliance with the provisions of section 135L.2, a pregnant minor who chooses to place the pregnant minor's child for adoption is subject to the following conditions:

1. Notification of a parent of the pregnant minor of the pregnant minor's decision to place the child for adoption. Notification shall be made at least twenty-four hours prior to the conducting of the hearing on termination of parental rights. The pregnant minor's attorney or the child-placing agency shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

2. If the pregnant minor objects to the notification of a parent, the pregnant minor may petition the court to authorize waiver of the notification requirement in accordance with the following procedures:

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

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor who may be the responsible adult and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not

accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor or by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

d. Notwithstanding any law or rule to the contrary, the court proceedings under this section and section 135L.4 shall be given precedence over other pending matters to ensure that the court reaches a decision expeditiously.

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

(1) That the pregnant minor is mature and capable of providing informed consent to the termination of parental rights for the purposes of adoption of the pregnant minor's child.

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

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

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

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

i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor who chooses to place the pregnant minor's child for adoption do not apply if any of the following applies:

(1) A parent of the pregnant minor authorizes the pregnant minor's decision, in writing, and a copy of the written authorization is attached to the termination of parental rights petition.

(2) (a) The pregnant minor declares, in a written statement submitted to the pregnant minor's legal counsel or to the child-placing agency providing services to the pregnant minor, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the pregnant minor's legal counsel or the child-placing agency providing services to the pregnant minor shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child

abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy.

(4) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

n. A copy of the completed certification form pursuant to section 135L.2, and a copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor, or a copy of the order waiving notification shall be attached to the petition for termination of parental rights, unless the pregnant minor is otherwise exempt from obtaining any of these documents under this chapter.

o. Noncompliance with the provisions of this section is not grounds for any of the following:

(1) Denial, modification, vacation, or appeal of a termination of parental rights order issued pursuant to section 600A.9.

(2) Denial, modification, vacation, or appeal of an interlocutory or final adoption decree rendered under section 600.13.

Sec. 4. NEW SECTION. 135L.4 NOTIFICATION OF PARENT PRIOR TO THE PERFORMANCE OF ABORTION ON A PREGNANT MINOR -- REQUIREMENTS -- CRIMINAL PENALTY.

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

2. The person who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

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

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

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel, and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor, by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

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

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

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

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

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

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

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

i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and if the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant

minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor prior to the performance of an abortion on a pregnant minor do not apply if any of the following applies:

(1) The abortion is authorized in writing by a parent entitled to notification.

(2) (a) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion in accordance with section 135L.6.

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained.

(5) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

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

Sec. 5. NEW SECTION. 135L.5 PROSPECTIVE MINOR PARENTS PROGRAM ADVISORY COMMITTEE CREATED.

1. A prospective minor parents program advisory committee is created which shall be composed of all of the following:

a. The following members appointed by the governor:

(1) A health care professional.

(2) A counselor, who has expertise in sexual abuse counseling.

(3) A representative of a child-placing agency other than a child-placing agency under the management or control of any division of the department of human services or any administrator of the department of human services.

(4) A juvenile court judge.

(5) A representative of a crisis pregnancy center.

(6) A representative of an abortion provider.

(7) A representative of an adolescent treatment program.

(8) A school nurse.

(9) A secondary school teacher.

(10) A parent.

(11) A person ordained or designated as a regular leader of a religious community.

(12) The director of public health, or the director's designee.

b. The following nonvoting members:

(1) Two members of the senate appointed by the majority leader of the senate after consultation with the minority leader of the senate.

(2) Two members of the house of representatives appointed by the speaker of the house after consultation with the majority leader and the minority leader of the house.

(3) The director of human services, or the director's designee.

(4) The director of the department of education, or the director's designee.

(5) A minor who is at least fourteen but less than eighteen years of age at the time of the appointment, appointed by the governor.

2. Representative associations of professionals and providers who are to be appointed to the advisory committee may submit a listing of nominees to the governor. The governor may consider the listings in appointing members to the advisory committee. The governor shall appoint members who represent a variety of philosophical views.

3. Members shall serve terms beginning on the date on which all members are initially appointed. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

4. Nonlegislative members shall receive actual expenses incurred while serving in their official capacity and may also

be eligible to receive compensation as provided in section 7E.6. Legislative members shall receive compensation pursuant to section 2.10.

5. The committee shall select a chairperson, annually, from its membership. A majority of the voting members of the committee constitutes a quorum.

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

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

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

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

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

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

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

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

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

9. The advisory committee shall submit a report to the general assembly on or before January 8, 1997, regarding the progress of the committee in completing the committee's duties regarding the development and distribution of the video.

10. The Iowa department of public health shall provide administrative support to the advisory committee.

Sec. 6. NEW SECTION. 135L.6 MEDICAL EMERGENCY EXCEPTION
-- ALTERNATIVE PROCEDURE.

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 135L.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:

1. Certify in writing the basis for the medical judgment that a medical emergency exists and make the written certification available to a parent of the pregnant minor prior to performance of the abortion, if possible.

2. If it is not possible to provide a parent of the pregnant minor with written certification prior to performance of the abortion under subsection 1, the physician shall provide the written certification to a parent of the pregnant minor within twelve hours following the performance of the abortion unless one of the following applies:

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

b. (1) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(2) The notification form shall be in duplicate and shall include both of the following:

(a) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(b) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

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

d. The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

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 135L.3 or 135L.4.

Sec. 7. NEW SECTION. 135L.7 FRAUDULENT PRACTICE.

A person who does any of the following is guilty of a fraudulent practice in the fourth degree pursuant to section 714.12:

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, to be sent to the pregnant minor's attending physician, or to be attached to the termination of parental rights petition pursuant to section 135L.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. 8. NEW SECTION. 135L.8 IMMUNITIES.

1. With the exception of the civil liability which may apply to a grandparent or aunt or uncle of a pregnant minor who accepts notification under this chapter, a person is immune from any liability, civil or criminal, for any act, omission, or decision made in connection with a good faith effort to comply with the provisions of this chapter.

2. This section shall not be construed to limit civil or criminal liability of a person for any act, omission, or decision made in relation to the performance of a medical procedure on a pregnant minor.

Sec. 9. NEW SECTION. 135L.9 ADOPTION OF RULES -- IMPLEMENTATION AND DOCUMENTS.

The Iowa department of public health shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents

necessary for notification of a parent, grandparent, or aunt or uncle of a pregnant minor who is designated to receive notification under this chapter.

Sec. 10. NEW SECTION. 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 135L.3 and 135L.4.

Sec. 11. Section 600.13, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Noncompliance with the provisions of section 135L.2 or 135L.3 is not grounds for denial, modification, vacation, or appeal of an interlocutory or final adoption decree.

Sec. 12. Section 600A.4, subsection 4, Code 1995, is amended to read as follows:

4. Either a parent who has signed a release of custody, or a nonsigning parent, may, at any time prior to the entry of an order terminating parental rights, request the juvenile court designated in section 600A.5 to order the revocation of any release of custody previously executed by either parent. If such request is by a signing parent, and is within ninety-six hours of the time such parent signed a release of custody, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release or releases revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. Noncompliance by a pregnant minor with the provisions of section 135L.2 or 135L.3 does not constitute good cause for revocation. In determining whether

good cause exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child including avoidance of a disruption of an existing relationship between a parent and child. The juvenile court shall also give due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

Sec. 13. Section 600A.9, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Noncompliance with the provisions of section 135L.2 or 135L.3 is not grounds for denial, modification, vacation, or appeal of a termination of parental rights order.

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

If the advisory committee created pursuant to section 135L.5 has completed its duties regarding the development and distribution of the video pursuant to section 135L.2 prior to January 1, 1997, the remainder of this Act takes effect January 1, 1997. However, even if the advisory committee has not completed its duties prior to January 1, 1997, and the video is not developed and distributed prior to January 1, 1997, the remaining sections of this Act, exclusive of the section which creates section 135L.5, and exclusive of the section and provisions which relate to development, distribution, and offering of the video and the written decision-making materials, take effect January 1, 1997.

Sec. 15. REPEAL -- ADVISORY COMMITTEE. Section 135L.5 is repealed effective January 1, 1999, or two years following the

distribution date of the video as determined by the advisory committee, whichever is later.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 13, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved March 22, 1996

TERRY E. BRANSTAD
Governor

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