

SENATE FILE 142
BY SZYMONIAK

(COMPANION TO LSB 1482HH BY
JOCHUM)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the grounds for termination of parental rights
2 of a putative father.

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

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S.F. 142

1 Section 1. Section 600A.8, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. If the termination of parental rights
4 relates to a putative father and the putative father has
5 abandoned the child. For the purposes of this subsection, a
6 putative father is deemed to have abandoned a child as
7 follows:

8 a. If the child is less than six months of age when the
9 termination hearing is held, a putative father is deemed to
10 have abandoned the child unless the putative father does all
11 of the following:

12 (1) Demonstrates a willingness to assume full custody of
13 the child rather than merely objecting to the termination of
14 parental rights.

15 (2) Takes prompt action to establish a parental
16 relationship with the child.

17 (3) Demonstrates, through actions, a commitment to the
18 child.

19 b. (1) If the child is six months of age or older when
20 the termination hearing is held, a putative father is deemed
21 to have abandoned the child unless the putative father
22 maintains substantial and continuous or repeated contact with
23 the child as demonstrated by contribution toward support of
24 the child of a reasonable amount, according to the putative
25 father's means, and as demonstrated by any of the following:

26 (a) Visiting the child at least monthly when physically
27 and financially able to do so and when not prevented from
28 doing so by the person having lawful custody of the child.

29 (b) Regular communication with the child or with the
30 person having the care or custody of the child, when
31 physically and financially unable to visit the child or when
32 prevented from visiting the child by the person having lawful
33 custody of the child.

34 (2) The subjective intent of the putative father, whether
35 expressed or otherwise, unsupported by evidence of acts

1 specified in subparagraph (1) manifesting such intent, does
2 not preclude a determination that the putative father failed
3 to maintain substantial and continuous or repeated contact
4 with the child. In making a determination, the court shall
5 not require a showing of diligent efforts by any person to
6 encourage the putative father to perform the acts specified in
7 subparagraph (1). A putative father of a child who openly
8 lived with the child for a period of six months within the
9 one-year period immediately preceding the termination of
10 parental rights hearing and who during that period openly held
11 himself out to be the father of the child is deemed to have
12 maintained substantial and continuous contact with the child
13 for the purposes of this paragraph.

14 EXPLANATION

15 This bill establishes criteria for a determination that a
16 putative father has abandoned a child for the purposes of
17 establishing grounds for termination of the putative father's
18 parental rights. The criteria require the demonstration of
19 certain actions and intentions by a putative father, which
20 vary based upon the age of the child at the time of the
21 holding of a termination of parental rights hearing.

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