

H. 3/4/98 Human Res
H. 3/18/98 Amend/Kofars
FILED FEB 25 1998
614-8490

SENATE FILE 2338
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2147)

Passed Senate, Date ^(P.516) 3/3/98 Passed House, Date ^(P.877) 3/24/98
Vote: Ayes 47 Nays 0 Vote: Ayes 95 Nays 0
Approved April 9, 1998

A BILL FOR

1 An Act relating to the entities responsible for assisting in
2 international adoptions.

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

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S.F. 2338

1 Section 1. Section 600.15, Code 1997, is amended to read
2 as follows:

3 600.15 FOREIGN AND INTERNATIONAL ADOPTIONS.

4 1. a. A decree establishing a parent-child relationship
5 by adoption which is issued pursuant to due process of law by
6 a court of any other jurisdiction in the United States shall
7 be recognized in this state.

8 b. A decree terminating a parent-child relationship which
9 is issued pursuant to due process of law by a court of any
10 other jurisdiction in the United States shall be recognized in
11 this state.

12 c. A document approved by the immigration and
13 naturalization service of the United States department of
14 justice shall be accepted ~~by the department of human services~~
15 in this state as evidence of termination of parental rights in
16 a jurisdiction outside the United States and recognized in
17 this state.

18 2. If an adoption has occurred in the minor person's
19 country of origin, a further adoption must occur in the state
20 where the adopting parents reside in accordance with the
21 adoption laws of that state.

22 3. ~~The department~~ A licensed child placing agency as
23 defined in section 238.2 or a certified or approved adoption
24 investigator may provide necessary assistance to an eligible
25 citizen of Iowa who desires to, in accordance with the
26 immigration laws of the United States, make an international
27 adoption. ~~For any such assistance the department may charge a~~
28 ~~fee which does not exceed the reasonable cost of services~~
29 ~~rendered and which is based on a sliding scale relating to the~~
30 ~~investigated person's ability to pay.~~

31 4. ~~Any rules of the department relating to placement of a~~
32 ~~minor child for adoption which are more restrictive than~~
33 ~~comparable rules of agencies making international placements~~
34 ~~and laws of the United States shall not be enforced by the~~
35 ~~department in an international adoption.~~

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EXPLANATION

This bill transfers the responsibility of assisting families to make international adoptions from the department of human services (DHS) to licensed child placing agencies and certified or approved adoption investigators.

Currently, international adoptions are privately arranged by prospective adoptive parents and the agency or individual representing the foreign country. Services to assist the family in finalizing an international adoption are provided in a manner similar to private, domestic adoption. Federal law does not require the involvement of a state agency in international adoptions.

DHS is responsible for providing adoption services to special needs children for whom DHS acts as guardian and has no legal responsibility to families or children involved in international adoptions.

Regulatory activities are conducted by the department of inspections and appeals, the agency that monitors the activities of licensed child placing agencies and certified adoption investigators.

SENATE FILE 2338

H-8556

1 Amend Senate File 2338, as passed by the Senate, as
2 follows:

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

5 "Section 1. NEW SECTION. 600.12A DEATH OF PERSON
6 TO BE ADOPTED -- PROCESS FOR FINAL ADOPTION DECREE.

7 1. If the person to be adopted dies following the
8 filing of an adoption petition pursuant to section
9 600.3, but prior to issuance of a final adoption
10 decree pursuant to section 600.13, the court may waive
11 any investigations and reports required pursuant to
12 section 600.8 that remain uncompleted, waive the
13 minimum residence requirements pursuant to section
14 600.10, proceed to the adoption hearing, and issue a
15 final adoption decree, unless any person to whom
16 notice is to be provided pursuant to section 600.11
17 objects to the adoption.

18 2. A final adoption decree issued pursuant to this
19 section terminates any parental rights existing prior
20 to the time of its issuance and establishes the
21 parent-child relationship between the adoption
22 petitioner and the person adopted. However, the final
23 adoption decree does not confer any rights on the
24 adoption petitioner to the estate of the adopted
25 person and does not confer any rights on the adopted
26 person to the estate of the adoption petitioner."

27 2. Page 1, by inserting after line 35 the
28 following:

29 "Sec. ____ . EFFECTIVE DATE. Section 1, creating
30 section 600.12A, being deemed of immediate importance,
31 takes effect upon enactment."

32 3. Title page, line 1, by inserting after the
33 word "to" the following: "adoptions including the
34 process for adoption of a deceased person and relating
35 to".

36 4. Title page, line 2, by inserting after the
37 word "adoptions" the following: "and providing an
38 effective date".

39 5. By renumbering as necessary.

By CARROLL of Poweshiek
KREIMAN of Davis

H-8556 FILED MARCH 23, 1998

Adopted 3/24/98 (P. 877)

SENATE FILE 2338

H-8490

1 Amend Senate File 2338 as passed by the Senate, as
2 follows:

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

5 "Section 1. NEW SECTION. 600.12A DEATH OF PERSON
6 TO BE ADOPTED -- FINAL ADOPTION DECREE.

7 If the person to be adopted dies prior to issuance
8 of a final adoption decree, the court may waive the
9 minimum residence requirements pursuant to section
A 10 600.10, proceed to the adoption hearing, and issue a
11 final adoption decree establishing the parent-child
12 relationship between the adoption petitioner and the
13 deceased person pursuant to section 600.13."

14 2. Page 1, by striking line 23 and inserting the
B 15 following: "defined in section 238.2, a person making
16 an independent placement as defined in section 600A.2,
17 or an".

18 3. Title page, line 1, by inserting after the
19 word "to" the following: "adoption, including
20 establishing provisions for adoptions in which the
21 person to be adopted dies prior to the issuance of a
A 22 final adoption decree and including provisions
23 relating to".

24 4. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
BODDICKER of Cedar, Chairperson

H-8490 FILED MARCH 18, 1998

A. Withdrawn 3/24/98 (p. 876)

B. Adopted 3/24/98

HOUSE AMENDMENT TO
SENATE FILE 2338

S-5347

1 Amend Senate File 2338 as passed by the Senate, as
2 follows:

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

5 "Section 1. NEW SECTION. 600.12A DEATH OF PERSON
6 TO BE ADOPTED -- PROCESS FOR FINAL ADOPTION DECREE.

7 1. If the person to be adopted dies following the
8 filing of an adoption petition pursuant to section
9 600.3, but prior to issuance of a final adoption
10 decree pursuant to section 600.13, the court may waive
11 any investigations and reports required pursuant to
12 section 600.8 that remain uncompleted, waive the
13 minimum residence requirements pursuant to section
14 600.10, proceed to the adoption hearing, and issue a
15 final adoption decree, unless any person to whom
16 notice is to be provided pursuant to section 600.11
17 objects to the adoption.

18 2. A final adoption decree issued pursuant to this
19 section terminates any parental rights existing prior
20 to the time of its issuance and establishes the
21 parent-child relationship between the adoption
22 petitioner and the person adopted. However, the final
23 adoption decree does not confer any rights on the
24 adoption petitioner to the estate of the adopted
25 person and does not confer any rights on the adopted
26 person to the estate of the adoption petitioner."

27 2. Page 1, by striking line 23 and inserting the
28 following: "defined in section 238.2, a person making
29 an independent placement as defined in section 600A.2,
30 or an".

31 3. Page 1, by inserting after line 35 the
32 following:

33 "Sec. . EFFECTIVE DATE. Section 1, creating
34 section 600.12A, being deemed of immediate importance,
35 takes effect upon enactment."

36 4. Title page, line 1, by inserting after the
37 word "to" the following: "adoptions including the
38 process for adoption of a deceased person and relating
39 to".

40 5. Title page, line 2, by inserting after the
41 word "adoptions" the following: "and providing an
42 effective date".

43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5347 FILED MARCH 24, 1998

*Senate Concurred**(P. 1008) 4-1-98*

Schuerer
Behn
Harper

SSB 2147
Human Resources
Succeeded By
SF/HF 2338

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

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8 b. A decree terminating a parent-child relationship which
9 is issued pursuant to due process of law by a court of any
10 other jurisdiction in the United States shall be recognized in
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12 c. A document approved by the immigration and
13 naturalization service of the United States department of
14 justice shall be accepted ~~by the department of human services~~
15 in this state as evidence of termination of parental rights in
16 a jurisdiction outside the United States and recognized in
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19 country of origin, a further adoption must occur in the state
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26 immigration laws of the United States, make an international
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DHS is responsible for providing adoption services to special needs children for whom DHS acts as guardian and has no legal responsibility to families or children involved in international adoptions.

Regulatory activities are conducted by the department of inspections and appeals, the agency that monitors the activities of licensed child placing agencies and certified adoption investigators.

SSB 2147



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

DATE: January 6, 1997
TO: Members of the General Assembly
FROM: Karla Fultz McHenry, Legislative Liaison *KFM*
Department of Human Services

The Department of Human Services (DHS) is proposing legislation related to international adoptions. DHS is currently responsible for reviewing documents and assisting families making international adoptions.

This proposal will allow adoption providers, such as licensed child placing agencies and certified adoption investigators to directly assist families making international adoptions without routing documents through DHS.

Currently Code Section 600.15 requires DHS to assist families to make international adoptions. The proposed change would permit the state of Iowa to recognize a document approved by the Immigration and Naturalization Services of the United States Department of Justice as evidence of termination of parental rights in a jurisdiction outside of the United States. This change will eliminate the requirement for DHS to review these documents for accuracy. The change will allow adoption staff of a licensed child placing agency and certified adoption investigators to assist families to make an international adoption.

SENATE FILE 2338

AN ACT

RELATING TO ADOPTIONS INCLUDING THE PROCESS FOR ADOPTION OF A DECEASED PERSON AND RELATING TO THE ENTITIES RESPONSIBLE FOR ASSISTING IN INTERNATIONAL ADOPTIONS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 600.12A DEATH OF PERSON TO BE ADOPTED -- PROCESS FOR FINAL ADOPTION DECREE.

1. If the person to be adopted dies following the filing of an adoption petition pursuant to section 600.3, but prior to issuance of a final adoption decree pursuant to section 600.13, the court may waive any investigations and reports required pursuant to section 600.8 that remain uncompleted, waive the minimum residence requirements pursuant to section 600.10, proceed to the adoption hearing, and issue a final adoption decree, unless any person to whom notice is to be provided pursuant to section 600.11 objects to the adoption.

2. A final adoption decree issued pursuant to this section terminates any parental rights existing prior to the time of its issuance and establishes the parent-child relationship between the adoption petitioner and the person adopted. However, the final adoption decree does not confer any rights on the adoption petitioner to the estate of the adopted person and does not confer any rights on the adopted person to the estate of the adoption petitioner.

Sec. 2. Section 600.15, Code 1997, is amended to read as follows:

600.15 FOREIGN AND INTERNATIONAL ADOPTIONS.

1. a. A decree establishing a parent-child relationship by adoption which is issued pursuant to due process of law by a court of any other jurisdiction in the United States shall be recognized in this state.

b. A decree terminating a parent-child relationship which is issued pursuant to due process of law by a court of any other jurisdiction in the United States shall be recognized in this state.

c. A document approved by the immigration and naturalization service of the United States department of justice shall be accepted ~~by the department of human services in this state~~ as evidence of termination of parental rights in a jurisdiction outside the United States and recognized in this state.

2. If an adoption has occurred in the minor person's country of origin, a further adoption must occur in the state where the adopting parents reside in accordance with the adoption laws of that state.

3. ~~The department~~ A licensed child placing agency as defined in section 238.2, a person making an independent placement as defined in section 600A.2, or an investigator may provide necessary assistance to an eligible citizen of Iowa who desires to, in accordance with the immigration laws of the United States, make an international adoption. ~~For any such assistance the department may charge a fee which does not exceed the reasonable cost of services rendered and which is based on a sliding scale relating to the investigated person's ability to pay.~~

~~4. Any rules of the department relating to placement of a minor child for adoption which are more restrictive than comparable rules of agencies making international placements and laws of the United States shall not be enforced by the department in an international adoption.~~

Sec. 3. EFFECTIVE DATE. Section 1, creating section 600.12A, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
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 2338, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 9, 1998

TERRY E. BRANSTAD
Governor