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*Substituted for  
by HF 453  
4-17-97 (p. 1239)*

SENATE FILE **478**  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 142)

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. 478**

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 joint custody of  
13 the child rather than merely objecting to the termination of  
14 parental rights.

15 (2) Demonstrates, through actions, a commitment to the  
16 child.

17 b. (1) If the child is six months of age or older when  
18 the termination hearing is held, a putative father is deemed  
19 to have abandoned the child unless the putative father  
20 maintains substantial and continuous or repeated contact with  
21 the child as demonstrated by contribution toward support of  
22 the child of a reasonable amount as would be determined under  
23 the uniform child support guidelines as established by the  
24 supreme court, according to the putative father's means, and  
25 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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