

Senate Study Bill 2108

Bill Text

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1 1 Section 1. Section [600.8](#), subsection 1, paragraph c, Code
1 2 1997, is amended by striking the paragraph and inserting in
1 3 lieu thereof the following:

1 4 c. A background information investigation and a report of
1 5 the investigation shall be made by the agency, the person
1 6 making an independent placement, or an investigator. The
1 7 background information investigation and report shall not
1 8 disclose the identity of the biological parents of the minor
1 9 person to be adopted. The report shall be completed and filed
1 10 with the court prior to the holding of the adoption hearing
1 11 prescribed in section 600.12. The report shall be in
1 12 substantial conformance with the prescribed medical and social
1 13 history forms designed by the department pursuant to section
1 14 600A.4, subsection 2, paragraph "f". A copy of the background
1 15 information investigation report shall be furnished to the
1 16 adoption petitioners within thirty days after the filing of
1 17 the adoption petition. Any person, including a juvenile
1 18 court, who has gained relevant background information
1 19 concerning a minor person subject to an adoption petition
1 20 shall, upon request, fully cooperate with the conducting of a
1 21 background information investigation by disclosing any
1 22 relevant background information, whether contained in sealed
1 23 records or not.

1 24 Sec. 2. Section [600.8](#), subsection 4, Code 1997, is amended
1 25 to read as follows:

1 26 4. A postplacement investigation

~~and a background~~

1 27

~~information investigation~~

~~and the~~

~~reports of these~~

1 28

~~investigations~~

~~report of the investigation~~ shall be completed

1 29 and

~~the reports~~

~~filed with the court prior to the holding of~~

1 30 the adoption hearing prescribed in section 600.12. Upon the
1 31 filing of an adoption petition pursuant to section 600.5, the
1 32 court shall immediately appoint

~~the department, an agency, or~~

1 33 an investigator to conduct and complete the postplacement

~~and~~

1 34

~~background information investigations and reports~~
~~report.~~

~~In~~

1 35

~~addition to filing the background information report with the~~

2 1

~~court prior to the holding of the adoption hearing, the~~

2 2

~~department, agency, or investigator appointed to conduct the~~

2 3

~~background information investigation shall complete the~~

2 4

~~background information investigation and report and furnish a~~

2 5

~~copy to the adoption petitioner within thirty days after the~~

2 6

~~filing of the adoption petition.~~

- Any person, including a
2 7 juvenile court, who has gained relevant background information
2 8 concerning a minor person subject to an adoption petition
2 9 shall, upon request, fully co-operate with the conducting of
2 10 the

~~background information~~
~~postplacement investigation~~

~~and~~

2 11

~~report~~

- by disclosing any relevant

~~background~~
~~information~~

2 12 requested, whether contained in sealed records or not.
2 13 Sec. 3. Section [600.9](#), subsection 2, paragraph e, Code
2 14 1997, is amended to read as follows:
2 15 e. Costs of the counseling provided to the biological
2 16 parents prior to the birth of the child

~~, in accordance with~~

2 17

~~section 600A.4, subsection 2~~

~~to the biological parents~~
~~prior~~

2 18 to the release of custody, and any counseling provided to the
2 19 biological parents for not more than sixty days after the

2 20 birth of the child.

2 21 Sec. 4. Section [600.16](#), subsection 1, unnumbered paragraph
2 22 1, Code 1997, is amended to read as follows:

2 23 Any information compiled under section 600.8, subsection 1,
2 24 paragraph "c",

~~subparagraphs (1) and (2),~~

- relating to medical

2 25 and developmental histories shall be made available at any
2 26 time by the clerk of court, the department, or any agency
2 27 which made the placement to:

2 28 Sec. 5. Section [600A.4](#), subsection 2, paragraph d, Code
2 29 1997, is amended to read as follows:

2 30 d. Shall

~~be preceded by the offering of~~

- ~~contain written~~

2 31 acknowledgment of the biological parents that after the birth
2 32 of the child, three hours of counseling has been offered to
2 33 the biological parents by the agency, the person making an
2 34 independent placement, an investigator as defined in section
2 35 600.2, or other qualified counselor regarding the decision to
3 1 release custody and the alternatives available to the
3 2 biological parents

~~in disposition of the child~~

- The release

3 3 of custody shall also contain written acknowledgment of the
3 4

~~offering of counseling to the biological parent and of~~

-
3 5 acceptance or refusal of the counseling. If accepted, the
3 6 counseling shall be provided after the birth of the child and
3 7 prior to the signing of a release of custody or the filing of
3 8 a petition for termination of parental rights as applicable.
3 9 Counseling shall be provided only by a person who is qualified
3 10 under rules adopted by the department of human services which
3 11 shall include a requirement that the person complete a minimum
3 12 number of hours of training in the area of adoption-related
3 13 counseling approved by the department

~~or, in the alternative,~~

-
3 14

~~that the person has a minimum level of experience, as~~

-
3 15

~~determined by rule of the department, in the provision of~~

-
3 16

~~adoption related counseling~~

~~The~~

- If counseling is accepted,

3 17 the counselor shall provide an affidavit, which shall be
3 18 attached to the release of custody, when practicable,
3 19 certifying that the counselor has provided the biological
3 20 parent with the requested counseling

~~or that the biological~~

-
3 21

~~parent has refused counseling prior to the signing of the~~

3 22

~~release of custody~~

- and documentation that the person is

3 23 qualified to provide the requested counseling as prescribed by
3 24 this paragraph. The requirements of this paragraph do not
3 25 apply to a release of custody which is executed for the
3 26 purposes of a stepparent adoption.

3 27

EXPLANATION

3 28 This bill makes changes relating to adoption
3 29 investigations, reports, and counseling. The requirements of
3 30 a postplacement investigation and a background information
3 31 investigation, which were previously included in the same
3 32 subsection, are rewritten separately. The bill specifies the
3 33 individuals who may perform a background information
3 34 investigation and report, requires that the report be filed
3 35 with the court prior to the adoption hearing, and requires
4 1 that a copy of the report be provided to the adoption
4 2 petitioner within 30 days after the filing of the adoption
4 3 petition. The language relating to the postplacement
4 4 investigation and report of the investigation is rewritten to
4 5 specify that the individual who completes the investigation
4 6 and report is an investigator who is to be appointed by the
4 7 court following the filing of an adoption petition. The
4 8 language pertaining to the offering of three hours of
4 9 counseling prior to a decision to release custody is also
4 10 rewritten and specifies by whom the counseling may be offered,
4 11 requires written acknowledgment of the offering and the
4 12 acceptance or refusal of counseling by the biological parents,
4 13 and provides that, when practicable, the person who provides
4 14 counseling is to provide an affidavit certifying that
4 15 counseling was provided.

4 16 LSB 3916SC 77

4 17 pf/jl/8