

JAN 28 1999
HUMAN RESOURCES

HOUSE FILE 161
BY FORD

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

A BILL FOR

1 An Act to extend the jurisdiction of the juvenile court to
2 include adoption and termination of parental rights
3 proceedings.

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

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HF 161

1 Section 1. NEW SECTION. 232.6 JURISDICTION -- ADOPTIONS
2 AND TERMINATIONS OF PARENTAL RIGHTS.

3 The court may exercise jurisdiction over adoption and
4 termination of parental rights proceedings under chapters 600
5 and 600A.

6 Sec. 2. Section 600.1, Code 1999, is amended to read as
7 follows:

8 600.1 CONSTRUCTION.

9 This chapter shall be construed liberally. The best
10 interest of the person to be adopted shall be the paramount
11 consideration in interpreting this chapter. However, the
12 interests of the adopting parents shall be given due
13 consideration in this interpretation. However, in determining
14 the best interest of the person to be adopted and the
15 interests of the adopting parents, any evidence of interests
16 relating to a period of time during which the person to be
17 adopted is placed with prospective adoptive parents and during
18 which the placement is not in compliance with the law,
19 adoption procedures, or any action by the juvenile court or
20 court, shall not be considered in the determination.

21 Sec. 3. Section 600.3, Code 1999, is amended to read as
22 follows:

23 600.3 COMMENCEMENT OF ADOPTION ACTION -- JURISDICTION --
24 FORUM NON CONVENIENS.

25 1. An action for the adoption of any natural person shall
26 be commenced by the filing of an adoption petition, as
27 prescribed in section 600.5, in the juvenile court or court of
28 the county in which an adult person to be adopted is domiciled
29 or resides, or in the juvenile court or court of the county in
30 which the guardian of a minor person to be adopted or the
31 petitioner is domiciled or resides.

32 2. An adoption petition shall not be filed until a
33 termination of parental rights has been accomplished except in
34 the following cases:

35 a. No termination of parental rights is required if the

1 person to be adopted is an adult.

2 b. If the stepparent of the child to be adopted is the
3 adoption petitioner, the parent-child relationship between the
4 child and the parent who is not the spouse of the petitioner
5 may be terminated as part of the adoption proceeding by the
6 filing of that parent's consent to the adoption.

7 For the purposes of this subsection, a consent to adopt
8 recognized by the juvenile courts or courts of another
9 jurisdiction in the United States and obtained from a resident
10 of that jurisdiction shall be accepted in this state in lieu
11 of a termination of parental rights proceeding.

12 Any adoption proceeding pending on or completed prior to
13 July 1, 1978, is hereby legalized and validated to the extent
14 that it is consistent with this subsection.

15 3. If upon filing of the adoption petition or at any later
16 time in the adoption action the juvenile court or court finds
17 that in the interest of substantial justice the adoption
18 action should be conducted in another juvenile court or court,
19 it may transfer, stay, or dismiss the adoption action on any
20 conditions that are just.

21 Sec. 4. Section 600.4, subsection 3, paragraph c, Code
22 1999, is amended to read as follows:

23 c. Is unable to petition with the other spouse because of
24 the prolonged and unexplained absence, unavailability, or
25 incapacity of the other spouse, or because of an unreasonable
26 withholding of joinder by the other spouse, as determined by
27 the juvenile court or court under section 600.5, subsection 7.

28 Sec. 5. Section 600.5, unnumbered paragraph 1, Code 1999,
29 is amended to read as follows:

30 An adoption petition shall be signed and verified by the
31 petitioner, shall be filed with the juvenile court or court
32 designated in section 600.3, and shall state:

33 Sec. 6. Section 600.5, subsection 7, Code 1999, is amended
34 to read as follows:

35 7. A designation of the particular provision in section

1 600.4 under which the petitioner is qualified to adopt and, if
2 under section 600.4, subsection 3, paragraph "c", a request
3 that the juvenile court or court approve the petitioner's
4 qualification to adopt.

5 Sec. 7. Section 600.7, subsection 1, unnumbered paragraph
6 1, Code 1999, is amended to read as follows:

7 An adoption petition shall not be granted unless the
8 following persons consent to the adoption or unless the
9 juvenile court or court makes a determination under subsection
10 4:

11 Sec. 8. Section 600.7, subsection 2, paragraphs a and b,
12 Code 1999, are amended to read as follows:

13 a. If by any minor person to be adopted who is fourteen
14 years of age or older, in the presence of the juvenile court
15 or court in which the adoption petition is filed.

16 b. If by any other person, either in the presence of the
17 juvenile court or court in which the adoption petition is
18 filed or before a notary public.

19 Sec. 9. Section 600.7, subsections 3 and 4, Code 1999, are
20 amended to read as follows:

21 3. A consent to the adoption may be withdrawn prior to the
22 issuance of an adoption decree under section 600.13 by the
23 filing of an affidavit of consent withdrawal with the juvenile
24 court or court. Such affidavit shall be treated in the same
25 manner as an attached verified statement is treated under
26 subsection 4.

27 4. If any person required to consent under this section
28 refuses to or cannot be located to give consent, the
29 petitioner may attach to the petition a verified statement of
30 such refusal or lack of location. The juvenile court or court
31 shall then determine, at the adoption hearing prescribed in
32 section 600.12, whether, in the best interests of the person
33 to be adopted and the petitioner, any particular consent shall
34 be unnecessary to the granting of an adoption petition.

35 Sec. 10. Section 600.8, subsection 2, paragraph a, Code

1 1999, is amended to read as follows:

2 a. A preplacement investigation and report of the
3 investigation shall be completed and the prospective adoption
4 petitioner approved for a placement by the person making the
5 investigation prior to any agency or independent placement of
6 a minor person in the petitioner's home in anticipation of an
7 ensuing adoption. A report of a preplacement investigation
8 that has approved a prospective adoption petitioner for a
9 placement shall not authorize placement of a minor person with
10 that petitioner after one year from the date of the report's
11 issuance. However, if the prospective adoption petitioner is
12 a relative within the fourth degree of consanguinity who has
13 assumed custody of a minor person to be adopted, a
14 preplacement investigation of this petitioner and a report of
15 the investigation may be completed at a time established by
16 the juvenile court or court or may be waived as provided in
17 subsection 12.

18 Sec. 11. Section 600.8, subsections 4, 7, 8, 9, and 12,
19 Code 1999, are amended to read as follows:

20 4. A postplacement investigation and a background
21 information investigation and the reports of these
22 investigations shall be completed and the reports filed with
23 the juvenile court or court prior to the holding of the
24 adoption hearing prescribed in section 600.12. Upon the
25 filing of an adoption petition pursuant to section 600.5, the
26 juvenile court or court shall immediately appoint the
27 department, an agency, or an investigator to conduct and
28 complete the postplacement and background information
29 investigations and reports. In addition to filing the
30 background information report with the juvenile court or court
31 prior to the holding of the adoption hearing, the department,
32 agency, or investigator appointed to conduct the background
33 information investigation shall complete the background
34 information investigation and report and furnish a copy to the
35 adoption petitioner within thirty days after the filing of the

1 adoption petition. Any person, ~~including a juvenile court,~~
2 who has gained relevant background information concerning a
3 minor person subject to an adoption petition shall, upon
4 request, fully co-operate with the conducting of the
5 background information investigation and report by disclosing
6 any relevant background information, whether contained in
7 sealed records or not.

8 7. Any investigation or report required under this section
9 shall not apply when the person to be adopted is an adult or
10 when the prospective adoption petitioner or adoption
11 petitioner is a stepparent of the person to be adopted.
12 However, in the case of a stepparent adoption, the juvenile
13 court or court, upon the request of an interested person or on
14 its own motion stating the reasons therefor of record, may
15 order an investigation or report pursuant to this section.

16 8. Any person designated to make an investigation and
17 report under this section may request an agency or state
18 agency, within or outside this state, to conduct a portion of
19 the investigation or the report, as may be appropriate, and to
20 file a supplemental report of such investigation or report
21 with the juvenile court or court. In the case of the adoption
22 of a minor person by a person domiciled or residing in any
23 other jurisdiction of the United States, any investigation or
24 report required under this section which has been conducted
25 pursuant to the standards of that other jurisdiction shall be
26 recognized in this state.

27 9. The department may investigate, on its own initiative
28 or on order of the juvenile court or court, any placement made
29 or adoption petition filed under this chapter or chapter 600A
30 and may report its resulting recommendation to the juvenile
31 court or court.

32 12. Any investigation and report required under subsection
33 1 of this section may be waived by the juvenile court or court
34 if the adoption petitioner is related within the fourth degree
35 of consanguinity to the person to be adopted.

1 Sec. 12. Section 600.9, subsection 2, unnumbered paragraph
2 1, Code 1999, is amended to read as follows:

3 An adoption petitioner of a minor person shall file with
4 the juvenile court or court, prior to the adoption hearing, a
5 full accounting of all disbursements of any thing of value
6 paid or agreed to be paid by or on behalf of the petitioner in
7 connection with the petitioned adoption. This accounting
8 shall be made by a report prescribed by the juvenile court or
9 court and shall be signed and verified by the petitioner.
10 Only expenses incurred in connection with the following and
11 any other expenses approved by the juvenile court or court are
12 allowable:

13 Sec. 13. Section 600.10, Code 1999, is amended to read as
14 follows:

15 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

16 The adoption of a minor person shall not be decreed until
17 that person has lived with the adoption petitioner for a
18 minimum residence period of one hundred eighty days. However,
19 the juvenile court or court may waive this period if the
20 adoption petitioner is a stepparent or related to the minor
21 person within the fourth degree of consanguinity or may
22 shorten this period upon good cause shown when the juvenile
23 court or court is satisfied that the adoption petitioner and
24 the person to be adopted are suited to each other.

25 Sec. 14. Section 600.11, subsections 1 and 3, Code 1999,
26 are amended to read as follows:

27 1. The juvenile court or court shall set the time and
28 place of the adoption hearing prescribed in section 600.12
29 upon application of the petitioner. The juvenile court or
30 court may continue the adoption hearing if the notice
31 prescribed in subsections 2 and 3 is given, except that such
32 notice shall only be given at least ten days prior to the date
33 which has been set for the continuation of the adoption
34 hearing.

35 3. A notice of the adoption hearing shall state the time,

1 place, and purpose of the hearing and shall be served in
2 accordance with rule of civil procedure 56.1. Proof of the
3 giving of notice shall be filed with the juvenile court or
4 court prior to the adoption hearing. Acceptance of service by
5 the party being given notice shall satisfy the requirements of
6 this subsection.

7 Sec. 15. Section 600.12, subsections 2 and 3, Code 1999,
8 are amended to read as follows:

9 2. Only those persons notified under section 600.11 and
10 their witnesses and legal counsel or persons requested by the
11 juvenile court or court to be present shall be admitted to the
12 court chambers while an adoption hearing is being conducted.
13 The adoption petitioner and the person to be adopted shall be
14 present at the hearing, unless the presence of either is
15 excused by the juvenile court or court.

16 3. Any person admitted to the hearing shall be heard and
17 allowed to present evidence upon request and according to the
18 manner in which the juvenile court or court conducts the
19 hearing.

20 Sec. 16. Section 600.12A, subsections 1 and 2, Code 1999,
21 are amended to read as follows:

22 1. If the person to be adopted dies following the filing
23 of an adoption petition pursuant to section 600.3, but prior
24 to issuance of a final adoption decree pursuant to section
25 600.13, the juvenile court or court may waive any
26 investigations and reports required pursuant to section 600.8
27 that remain uncompleted, waive the minimum residence
28 requirements pursuant to section 600.10, proceed to the
29 adoption hearing, and issue a final adoption decree, unless
30 any person to whom notice is to be provided pursuant to
31 section 600.11 objects to the adoption.

32 2. If the person to be adopted dies following termination
33 of the parental rights of the person's biological parents but
34 prior to the filing of an adoption petition, the person who
35 was the guardian or custodian of the person to be adopted

1 prior to the person's death or the person who was in a parent-
2 child relationship with the person to be adopted prior to the
3 person's death may file an adoption petition and the juvenile
4 court or court in the interest of justice may waive any other
5 procedures or requirements related to the adoption, proceed to
6 the adoption hearing, and issue a final adoption decree,
7 unless any person to whom notice is to be provided pursuant to
8 section 600.11 objects to the adoption.

9 Sec. 17. Section 600.13, subsections 1, 2, 3, 5, and 6,
10 Code 1999, are amended to read as follows:

11 1. At the conclusion of the adoption hearing, the juvenile
12 court or court shall do one of the following:

13 a. Issue a final adoption decree~~7~~.
14 b. Issue an interlocutory adoption decree~~7-or7~~.
15 c. Dismiss the adoption petition if the requirements of
16 this Act have not been met or if dismissal of the adoption
17 petition is in the best interest of the person whose adoption
18 has been petitioned. Upon dismissal, the juvenile court or
19 court shall determine who is to be guardian or custodian of a
20 minor child, including the adoption petitioner if it is in the
21 best interest of the minor person whose adoption has been
22 petitioned.

23 2. An interlocutory adoption decree automatically becomes
24 a final adoption decree at a date specified by the juvenile
25 court or court in the interlocutory adoption decree, which
26 date shall not be less than one hundred eighty days nor more
27 than three hundred sixty days from the date the interlocutory
28 decree is issued. However, an interlocutory adoption decree
29 may be vacated prior to the date specified for it to become
30 final. Also, the juvenile court or court may provide in the
31 interlocutory adoption decree for further observation,
32 investigation, and report of the conditions of and the
33 relationships between the adoption petitioner and the person
34 petitioned to be adopted.

35 3. If an interlocutory adoption decree is vacated under

1 subsection 2, it shall be void from the date of issuance and
2 the rights, duties, and liabilities of all persons affected by
3 it shall, unless they have become vested, be governed
4 accordingly. Upon vacation of an interlocutory adoption
5 decree, the juvenile court or court shall proceed under the
6 provisions of subsection 1, paragraph "c".

7 5. An interlocutory or a final adoption decree shall be
8 entered with the clerk of the court. Such decree shall set
9 forth any facts of the adoption petition which have been
10 proven to the satisfaction of the juvenile court or court and
11 any other facts considered to be relevant by the juvenile
12 court or court and shall grant the adoption petition. If so
13 designated in the adoption decree, the name of the adopted
14 person shall be changed by issuance of that decree. The clerk
15 of the court shall, within thirty days of issuance, deliver
16 one certified copy of any adoption decree to the petitioner,
17 one copy of any adoption decree to the department and any
18 agency or person making an independent placement who placed a
19 minor person for adoption, and one certification of adoption
20 as prescribed in section 144.19 to the state registrar of
21 vital statistics. Upon receipt of the certification, the
22 state registrar shall prepare a new birth certificate pursuant
23 to section 144.23 and deliver to the parents named in the
24 decree and any adult person adopted by the decree a copy of
25 the new birth certificate. The parents shall pay the fee
26 prescribed in section 144.46. If the person adopted was born
27 outside the state, the state registrar shall forward the
28 certification of adoption to the appropriate agency in the
29 state or foreign nation of birth. A copy of any interlocutory
30 adoption decree vacation shall be delivered and another birth
31 certificate shall be prepared in the same manner as a
32 certification of adoption is delivered and the birth
33 certificate was originally prepared.

34 6. The clerk of the ~~district~~ court shall attach to the
35 certified copy of the decree delivered to the department, a

1 copy of the adoption information form required to be attached
2 to the adoption petition under section 600.6, subsection 5.

3 Sec. 18. Section 600.15, subsection 1, paragraphs a and b,
4 Code 1999, are amended to read as follows:

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

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

13 Sec. 19. Section 600.16A, subsection 2, paragraphs b and
14 c, Code 1999, are amended to read as follows:

15 b. The juvenile court or court, for good cause, shall
16 order the opening of the permanent adoption record of the
17 juvenile court or court for the adopted person who is an adult
18 and reveal the names of either or both of the biological
19 parents following consideration of both of the following:

20 (1) A biological parent may file an affidavit requesting
21 that the juvenile court or court reveal or not reveal the
22 parent's identity. The juvenile court or court shall consider
23 any such affidavit in determining whether there is good cause
24 to order opening of the records. To facilitate the biological
25 parents in filing an affidavit, the department shall, upon
26 request of a biological parent, provide the biological parent
27 with an adoption information packet containing an affidavit
28 for completion and filing with the juvenile court or court.

29 (2) If the adopted person who applies for revelation of
30 the biological parents' identity has a sibling who is a minor
31 and who has been adopted by the same parents, the juvenile
32 court or court may deny the application on the grounds that
33 revelation to the applicant may also indirectly and harmfully
34 permit the same revelation to the applicant's minor sibling.

35 c. A biological sibling of an adopted person may file or

1 may request that the department file an affidavit in the
2 juvenile court or court in which the adopted person's adoption
3 records have been sealed requesting that the juvenile court or
4 court reveal or not reveal the sibling's name to the adopted
5 person. The juvenile court or court shall consider any such
6 affidavit in determining whether there is good cause to order
7 opening of the records upon application for revelation by the
8 adopted person. However, the name of the biological sibling
9 shall not be revealed until the biological sibling has
10 attained majority.

11 Sec. 20. Section 600.16A, subsection 3, paragraph b,
12 unnumbered paragraph 3, Code 1999, is amended to read as
13 follows:

14 Notwithstanding the provisions of this subsection, if the
15 adult adopted person has a sibling who is a minor and who has
16 also been adopted by the same parents, the department, the
17 clerk of court, or the agency which made the placement may
18 deny the request of either the adult adopted person or the
19 biological parent to open the adoption records and to reveal
20 the identities of the parties pending determination by the
21 juvenile court or court that there is good cause to open the
22 records pursuant to subsection 2.

23 Sec. 21. Section 600.16A, subsection 4, Code 1999, is
24 amended to read as follows:

25 4. An adopted person whose adoption became final prior to
26 July 4, 1941, and whose adoption record was not required to be
27 sealed at the time when the adoption record was completed,
28 shall not be required to show good cause for an order opening
29 the adoption record under this subsection, provided that the
30 juvenile court or court shall consider any affidavit filed
31 under this subsection.

32 Sec. 22. Section 600.18, unnumbered paragraph 1, Code
33 1999, is amended to read as follows:

34 Any prospective adoptive parent desiring financial
35 assistance shall state this fact in the petition for adoption.

1 The department of human services shall investigate the person
2 petitioning for adoption and the child and shall file with the
3 juvenile court or court a statement of whether the department
4 will provide assistance as provided in sections 600.17 to
5 600.22, the estimated amount, extent, and duration of
6 assistance, and any other information the juvenile court or
7 court may order.

8 Sec. 23. Section 602.8102, subsections 42 and 43, Code
9 1999, are amended to read as follows:

10 | 42. Serve as clerk of the juvenile court and carry out
11 duties as provided in chapter 232 and article 7 of this
12 chapter.

13 | 43. Submit to the director of the division of child and
14 family services of the department of human services a
15 duplicate of the findings of the ~~district~~ court related to
16 adoptions as provided in section 235.3, subsection 7.

17 EXPLANATION

18 | This bill permits the juvenile court to exercise
19 jurisdiction over adoption proceedings and specifies that the
20 juvenile court also exercises jurisdiction over proceedings
21 for termination of parental rights. Currently, adoption
22 proceedings may only be presided over by a district court
23 judge.

24 | Currently, the termination of parental rights chapter, Code
25 chapter 600A, provides for the exercise of jurisdiction by the
26 juvenile court in those matters. However, Code chapter 232,
27 which establishes the parameters of juvenile court
28 jurisdiction under Code section 602.7101, contains no
29 reference to the exercise of jurisdiction under Code chapter
30 600A. The bill adds a reference to Code chapter 600A in Code
31 chapter 232 to provide for juvenile court exercise of
32 jurisdiction in those matters.

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