

Withdrawn
3/15/04

FILED FEB 18 2004

SENATE FILE 2147
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3027)

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

A BILL FOR

1 An Act relating to abandonment of a child as grounds for
2 termination of parental rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SF 2147
JUDICIARY

1 Section 1. Section 600A.8, subsection 3, Code 2003, is
2 amended by striking the subsection.

3 Sec. 2. Section 600A.8, subsection 4, Code 2003, is
4 amended to read as follows:

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

10 a. (1) If the child is less than six months of age when
11 the termination hearing is held, a ~~putative father~~ parent is
12 deemed to have abandoned the child unless the ~~putative father~~
13 parent does all of the following:

14 (a) Demonstrates a willingness to assume custody of the
15 child rather than merely objecting to the termination of
16 parental rights.

17 (b) Takes prompt action to establish a parental
18 relationship with the child.

19 (c) Demonstrates, through actions, a commitment to the
20 child.

21 (2) In determining whether the requirements of this
22 paragraph are met, the court may consider all of the
23 following:

24 (a) The fitness and ability of the ~~putative father~~ parent
25 in personally assuming custody of the child, including a
26 personal and financial commitment which is timely
27 demonstrated.

28 (b) Whether efforts made by the ~~putative father~~ parent in
29 personally assuming custody of the child are substantial
30 enough to evince a settled purpose to personally assume all
31 parental duties.

32 (c) ~~Whether~~ With regard to a putative father, whether the
33 putative father publicly acknowledged paternity or held
34 himself out to be the father of the child during the six
35 continuing months immediately prior to the termination

1 proceeding.

2 (d) ~~Whether~~ With regard to a putative father, whether the
3 putative father paid a fair and reasonable sum, in accordance
4 with the putative father's means, for medical, hospital, and
5 nursing expenses incurred in connection with the mother's
6 pregnancy or with the birth of the child, or whether the
7 putative father demonstrated emotional support as evidenced by
8 the putative father's conduct toward the mother.

9 (e) Any measures taken by the putative-father parent to
10 establish legal responsibility for the child.

11 (f) Any other factors evincing a commitment to the child.

12 b. If the child is six months of age or older when the
13 termination hearing is held, a putative-father parent is
14 deemed to have abandoned the child unless the putative-father
15 parent maintains substantial and continuous or repeated
16 contact with the child as demonstrated by contribution toward
17 support of the child of a reasonable amount, according to the
18 putative-father's parent's means, and as demonstrated by any
19 of the following:

20 (1) Visiting the child at least monthly when physically
21 and financially able to do so and when not prevented from
22 doing so by the person having lawful custody of the child.

23 (2) Regular communication with the child or with the
24 person having the care or custody of the child, when
25 physically and financially unable to visit the child or when
26 prevented from visiting the child by the person having lawful
27 custody of the child.

28 (3) Openly living with the child for a period of six
29 months within the one-year period immediately preceding the
30 termination of parental rights hearing and during that period
31 openly holding himself or herself out to be the father parent
32 of the child.

33 c. The subjective intent of the putative-father parent,
34 whether expressed or otherwise, unsupported by evidence of
35 acts specified in paragraph "a" or "b" manifesting such

1 intent, does not preclude a determination that the putative
2 father parent has abandoned the child. In making a
3 determination, the court shall not require a showing of
4 diligent efforts by any person to encourage the putative
5 father parent to perform the acts specified in paragraph "a"
6 or "b". In making a determination regarding a putative
7 father, the court may consider the conduct of the putative
8 father toward the child's mother during the pregnancy.
9 Demonstration of a commitment to the child is not met by the
10 putative father marrying the mother of the child after
11 adoption of the child.

12 EXPLANATION

13 This bill relates to abandonment of a child as a grounds
14 for termination of parental rights. The bill amends an
15 existing portion of the Code relating to the determination of
16 abandonment of a child by a putative father as a grounds for
17 termination and applies the criteria in determining
18 abandonment to both parents. The bill provides that a parent
19 is deemed to have abandoned a child for the purpose of the
20 grounds for termination section of the Code based on meeting
21 certain criteria and based on the age of the child. Certain
22 criteria still apply only with regard to the deeming of
23 abandonment of a child by a putative father.

24
25
26
27
28
29
30
31
32
33
34
35

Boettger
Bankhorst
Fraise

Succeeded By
SF/HF 214 BSB# 3027

SENATE FILE Judiciary
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON REDFERN)

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

A BILL FOR

1 An Act relating to abandonment of a child as grounds for
2 termination of parental rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 600A.8, subsection 3, Code 2003, is
2 amended by striking the subsection.

3 Sec. 2. Section 600A.8, subsection 4, Code 2003, is
4 amended to read as follows:

5 ~~4- 3. If the termination of parental rights relates to a~~
6 ~~putative father and the putative father~~ The parent has
7 abandoned the child. For the purposes of this subsection, a
8 ~~putative father~~ parent is deemed to have abandoned a child as
9 follows:

10 a. (1) If the child is less than six months of age when
11 the termination hearing is held, a ~~putative father~~ parent is
12 deemed to have abandoned the child unless the ~~putative father~~
13 parent does all of the following:

14 (a) Demonstrates a willingness to assume custody of the
15 child rather than merely objecting to the termination of
16 parental rights.

17 (b) Takes prompt action to establish a parental
18 relationship with the child.

19 (c) Demonstrates, through actions, a commitment to the
20 child.

21 (2) In determining whether the requirements of this
22 paragraph are met, the court may consider all of the
23 following:

24 (a) The fitness and ability of the ~~putative father~~ parent
25 in personally assuming custody of the child, including a
26 personal and financial commitment which is timely
27 demonstrated.

28 (b) Whether efforts made by the ~~putative father~~ parent in
29 personally assuming custody of the child are substantial
30 enough to evince a settled purpose to personally assume all
31 parental duties.

32 (c) Whether With regard to a putative father, whether the
33 putative father publicly acknowledged paternity or held
34 himself out to be the father of the child during the six
35 continuing months immediately prior to the termination

1 proceeding.

2 (d) Whether With regard to a putative father, whether the
3 putative father paid a fair and reasonable sum, in accordance
4 with the putative father's means, for medical, hospital, and
5 nursing expenses incurred in connection with the mother's
6 pregnancy or with the birth of the child, or whether the
7 putative father demonstrated emotional support as evidenced by
8 the putative father's conduct toward the mother.

9 (e) Any measures taken by the putative-father parent to
10 establish legal responsibility for the child.

11 (f) Any other factors evincing a commitment to the child.

12 b. If the child is six months of age or older when the
13 termination hearing is held, a putative-father parent is
14 deemed to have abandoned the child unless the putative-father
15 parent maintains substantial and continuous or repeated
16 contact with the child as demonstrated by contribution toward
17 support of the child of a reasonable amount, according to the
18 putative-father's parent's means, and as demonstrated by any
19 of the following:

20 (1) Visiting the child at least monthly when physically
21 and financially able to do so and when not prevented from
22 doing so by the person having lawful custody of the child.

23 (2) Regular communication with the child or with the
24 person having the care or custody of the child, when
25 physically and financially unable to visit the child or when
26 prevented from visiting the child by the person having lawful
27 custody of the child.

28 (3) Openly living with the child for a period of six
29 months within the one-year period immediately preceding the
30 termination of parental rights hearing and during that period
31 openly holding himself or herself out to be the father parent
32 of the child.

33 c. The subjective intent of the putative-father parent,
34 whether expressed or otherwise, unsupported by evidence of
35 acts specified in paragraph "a" or "b" manifesting such

1 intent, does not preclude a determination that the putative
2 father parent has abandoned the child. In making a
3 determination, the court shall not require a showing of
4 diligent efforts by any person to encourage the putative
5 father parent to perform the acts specified in paragraph "a"
6 or "b". In making a determination regarding a putative
7 father, the court may consider the conduct of the putative
8 father toward the child's mother during the pregnancy.
9 Demonstration of a commitment to the child is not met by the
10 putative father marrying the mother of the child after
11 adoption of the child.

12 EXPLANATION

13 This bill relates to abandonment of a child as a grounds
14 for termination of parental rights. The bill amends an
15 existing portion of the Code relating to the determination of
16 abandonment of a child by a putative father as a grounds for
17 termination and applies the criteria in determining
18 abandonment to both parents. The bill provides that a parent
19 is deemed to have abandoned a child for the purpose of the
20 grounds for termination section of the Code based on meeting
21 certain criteria and based on the age of the child. Certain
22 criteria still apply only with regard to the deeming of
23 abandonment of a child by a putative father.

24
25
26
27
28
29
30
31
32
33
34
35