

FILED JAN 31 2006

JUDICIARY

SENATE FILE 2111
BY WARD

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

A BILL FOR

1 An Act providing grounds for termination of parental rights under
2 certain circumstances for parents convicted of certain
3 felonies.

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

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JUDICIARY
SF 2111

1 Section 1. Section 232.116, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. o. The parent has been imprisoned for a
4 felony crime against a person including but not limited to a
5 sexual offense or a drug-related offense, and it is unlikely
6 that the parent will be released from prison for a period of
7 five years or more. In determining whether to terminate the
8 rights of a parent under this paragraph, in addition to the
9 considerations provided in subsections 2 and 3, the court
10 shall give consideration to the availability of a grandparent
11 or other close relative who is willing and suitable to provide
12 long-term foster care or to adopt the child.

13 EXPLANATION

14 This bill provides grounds for termination of parental
15 rights under Code chapter 232, the juvenile justice code, for
16 a parent who is imprisoned for a felony crime against a person
17 including but not limited to a sexual offense or a drug-
18 related offense, and it is unlikely that the parent will be
19 released from prison for a period of five years or more. In
20 determining whether to terminate parental rights, in addition
21 to consideration provided under existing law, the court is
22 required to consider the availability of a grandparent or
23 other close relative who is willing and suitable to provide
24 long-term foster care or adopt the child. The mitigating
25 circumstances that may be considered by the court under
26 existing law include the wishes and needs of the child,
27 parental ability to care for the child, foster care situation
28 of the child, and other circumstances of the child and the
29 child's parent.

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