

Senate Study Bill 1145

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CO=CHAIRPERSON KREIMAN)

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

A BILL FOR

1 An Act providing for the issuance of a no-contact order against
2 the biological parent of an adopted person whose presence or
3 contact with the adopted person poses a threat to the health
4 or safety of the adopted person.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1063SC 81
7 rh/gg/14

PAG LIN

1 1 Section 1. NEW SECTION. 600.13A NO=CONTACT ORDER.
1 2 1. An adopted person or an adoptive parent of a minor
1 3 child who has been adopted pursuant to section 600.13 may
1 4 obtain a no-contact order against the biological parent of the
1 5 adopted person or adopted child based upon a showing that the
1 6 presence of or contact with the biological parent poses a
1 7 threat to the health or safety of the adopted person or
1 8 adopted child. An adopted person or adoptive parent may seek
1 9 such an order by filing a petition in the district court.
1 10 Venue shall lie where either party resides.
1 11 2. The filing fee and court costs for a no-contact order
1 12 and in a contempt action under this section shall be waived
1 13 for the adopted person or the adoptive parent. The clerk of
1 14 court, the sheriff of any county in this state, and other law
1 15 enforcement and corrections officers shall perform their
1 16 duties relating to service of process without charge to the
1 17 adopted person or the adoptive parent. When a no-contact
1 18 order is entered by the court, the court may direct the
1 19 biological parent to pay to the clerk of court the fees for
1 20 the filing of the petition and reasonable costs of service of
1 21 process if the court determines the biological parent has the
1 22 ability to pay such fees and costs.
1 23 3. Violation of a no-contact order issued under this
1 24 section, including a modified no-contact order, is punishable
1 25 by summary contempt proceedings. A hearing in a contempt
1 26 proceeding brought pursuant to this section shall be held not
1 27 less than five and not more than fifteen days after the
1 28 issuance of a rule to show cause, as set by the court. If
1 29 held in contempt for violation of a no-contact order or a
1 30 modified no-contact order, the biological parent shall be
1 31 confined in the county jail for a minimum of seven days. A
1 32 jail sentence imposed pursuant to this subsection shall be
1 33 served on consecutive days. No portion of the mandatory
1 34 minimum term of confinement imposed by this subsection shall
1 35 be deferred or suspended. A deferred judgment, deferred
2 1 sentence, or suspended sentence shall not be entered for
2 2 violation of a no-contact order or a modified no-contact
2 3 order, and the court shall not impose a fine in lieu of the
2 4 minimum sentence, although a fine may be imposed in addition
2 5 to the minimum sentence.

EXPLANATION

2 7 This bill relates to the issuance of a no-contact order
2 8 against the biological parent of an adopted person whose
2 9 presence or contact with the adopted person poses a threat to
2 10 the health or safety of the adopted person.
2 11 The bill provides that an adopted person or an adoptive
2 12 parent of a minor child may obtain a no-contact order against
2 13 the biological parent of the adopted person or adopted child
2 14 based upon a showing that the presence of or contact with the

2 15 biological parent poses a threat to the health or safety of
2 16 the adopted person or adopted child. An adopted person or
2 17 adoptive parent may seek such an order by filing a petition in
2 18 the district court. Venue shall lie where either party
2 19 resides.
2 20 The bill provides that the filing fee and court costs for a
2 21 no-contact order and in a contempt action under the bill shall
2 22 be waived for the adopted person or the adoptive parent, and
2 23 if a no-contact order is entered by the court, the court may
2 24 direct the biological parent to pay to the clerk of court the
2 25 fees for the filing of the petition and reasonable costs of
2 26 service of process if the court determines the biological
2 27 parent has the ability to pay such fees and costs.
2 28 The bill provides that a violation of a no-contact order
2 29 issued under the bill is punishable by summary contempt
2 30 proceedings.
2 31 LSB 1063SC 81
2 32 rh:rj/gg/14