

**Senate Study Bill 3111 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to the grounds for termination of parental  
2 rights.

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

1 Section 1. Section 600A.8, Code 2014, is amended to read as  
2 follows:

3 **600A.8 Grounds for termination.**

4 The juvenile court shall base its findings and order under  
5 section 600A.9 on clear and convincing proof. The following  
6 shall be, either separately or jointly, grounds for ordering  
7 termination of parental rights:

8 1. A parent has signed a release of custody pursuant to  
9 section 600A.4 and the release has not been revoked.

10 2. A parent has petitioned for the parent's termination of  
11 parental rights pursuant to section 600A.5.

12 3. The parent has abandoned the child. For the purposes of  
13 this subsection, a parent is deemed to have abandoned a child  
14 as follows:

15 a. (1) If the child is less than six months of age  
16 when the termination hearing is held, a parent is deemed to  
17 have abandoned the child unless the parent does all of the  
18 following:

19 (a) Demonstrates a willingness to assume custody of the  
20 child rather than merely objecting to the termination of  
21 parental rights.

22 (b) Takes prompt action to establish a parental  
23 relationship with the child.

24 (c) Demonstrates, through actions, a commitment to the  
25 child.

26 (2) In determining whether the requirements of this  
27 paragraph "a" are met, the court may consider all of the  
28 following:

29 (a) The fitness and ability of the parent in personally  
30 assuming custody of the child, including a personal and  
31 financial commitment which is timely demonstrated.

32 (b) Whether efforts made by the parent in personally  
33 assuming custody of the child are substantial enough to evince  
34 a settled purpose to personally assume all parental duties.

35 (c) With regard to a putative father, whether the putative

1 father publicly acknowledged paternity or held himself out to  
2 be the father of the child during the six continuing months  
3 immediately prior to the termination proceeding.

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

11 (e) Any measures taken by the parent to establish legal  
12 responsibility for the child.

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

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

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

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

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

34 c. The subjective intent of the parent, whether expressed  
35 or otherwise, unsupported by evidence of acts specified in

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

11 4. A parent has been ordered to contribute to the support  
12 of the child or financially aid in the child's birth and has  
13 failed to do so without good cause.

14 5. A parent does not object to the termination after having  
15 been given proper notice and the opportunity to object.

16 6. A parent does not object to the termination although  
17 every reasonable effort has been made to identify, locate and  
18 give notice to that parent as required in section 600A.6.

19 7. An adoptive parent requests termination of parental  
20 rights and the parent-child relationship based upon a showing  
21 that the adoption was fraudulently induced in accordance with  
22 the procedures set out in section 600A.9, subsection 3.

23 8. ~~Both of the following circumstances apply to a parent:~~

24 ~~a. The parent has been determined to be a person with a~~  
25 ~~substance-related disorder as defined in section 125.2 and the~~  
26 ~~The parent has committed a second or subsequent domestic abuse~~  
27 ~~assault pursuant to section 708.2A.~~

28 ~~b.~~ 9. The parent has abducted the child, has improperly  
29 removed the child from the physical custody of the person  
30 entitled to custody without the consent of that person, or has  
31 improperly retained the child after a visit or other temporary  
32 relinquishment of physical custody.

33 ~~9.~~ 10. The parent has been imprisoned for a crime against  
34 the child, the child's sibling, or another child in the  
35 household, or ~~the~~ has been convicted of a felony offense

1 that is a sex offense against a minor as defined in section  
2 692A.101.

3 11. The parent has been convicted of first degree murder in  
4 the murder of the child's other parent.

5 12. The parent has been convicted of a crime of sexual abuse  
6 as defined in chapter 709.

7 13. The parent has been convicted of a felony offense of  
8 such a nature as to indicate the unfitness of the parent to  
9 provide adequate care and support to the extent necessary  
10 for the child's physical, mental, or emotional health and  
11 development.

12 14. The parent has been imprisoned and it is unlikely that  
13 the parent will be released from prison for a period of five or  
14 more years.

15 ~~10. The parent has been convicted of a felony offense~~  
16 ~~that is a sex offense against a minor as defined in section~~  
17 ~~692A.101, the parent is divorced from or was never married~~  
18 ~~to the minor's other parent, and the parent is serving a~~  
19 ~~minimum sentence of confinement of at least five years for that~~  
20 ~~offense.~~

21 15. The parent has neglected the child or is unfit to be a  
22 parent. In determining whether the parent has neglected the  
23 child or is unfit, the court shall consider whether the parent  
24 has a consistent pattern of specific conduct or a specific  
25 condition directly relating to the parent-child relationship  
26 which is determined by the court to be of a duration or nature  
27 that renders the parent unable, for the reasonably foreseeable  
28 future, to provide the appropriate care and support for the  
29 ongoing physical, mental, or emotional needs of the child.  
30 The court shall consider at a minimum the following specific  
31 conduct or conditions which may result in neglect or diminished  
32 fitness as a parent:

33 a. A medically-verifiable emotional illness, mental illness,  
34 mental deficiency, or substance-related disorder as defined in  
35 section 125.2.

1 b. Prior abuse or neglect of the child, the child's sibling,  
2 or another child in the household, or conduct toward a child of  
3 a physically, emotionally, or sexually cruel or abusive nature.

4 c. Repeated or continuous failure by the parent, although  
5 physically and financially able, to provide the child with  
6 adequate food, clothing, shelter, education, or other care  
7 and support necessary for the child's physical, mental, or  
8 emotional health and development.

9 d. Abandonment of the child for a period of sixty or more  
10 days.

11 e. The termination of the parent's parental rights to  
12 another child.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill relates to the grounds for termination of parental  
17 rights.

18 The bill amends the existing ground requiring that  
19 the parent has both been determined to be a person with a  
20 substance-related disorder as defined in Code section 125.2 and  
21 has committed a second or subsequent domestic abuse assault,  
22 to require only that the parent has committed domestic abuse  
23 assault. The existence of a substance-related disorder is  
24 later included in a ground relating to the fitness of the  
25 parent.

26 The bill divides the existing ground which provides that  
27 the parent has been imprisoned for a crime against the child,  
28 the child's sibling, or another child in the household, or the  
29 parent has been imprisoned and it is unlikely that the parent  
30 will be released from prison for a period of five or more years  
31 into two separate grounds.

32 The bill amends the existing ground which requires that the  
33 parent has been convicted of a felony offense that is a sex  
34 offense against a minor, the parent is divorced from or was  
35 never married to the minor's other parent, and the parent is

1 serving a minimum sentence of confinement of at least five  
2 years for that offense, by deleting the conditions that the  
3 parent is divorced from or was never married to the minor's  
4 other parent and that the parent is serving a minimum sentence  
5 of confinement of at least five years, and instead combining  
6 the ground that the parent has been convicted of a felony  
7 offense that is a sex offense against a minor with other  
8 divisible grounds that relate to crimes against a child.

9 The bill adds the following new grounds for termination  
10 of parental rights: the parent has been convicted of first  
11 degree murder in the murder of the child's other parent;  
12 the parent has been convicted of a crime of sexual abuse as  
13 defined in Code chapter 709; the parent has been convicted  
14 of a felony offense of such a nature as to indicate the  
15 unfitness of the parent to provide adequate care and support  
16 to the extent necessary for the child's physical, mental, or  
17 emotional health and development; and the parent has neglected  
18 the child or is unfit to be a parent. The bill provides that  
19 in determining whether the parent has neglected the child or  
20 is unfit, the court shall consider whether the parent has a  
21 consistent pattern of specific conduct or a specific condition  
22 directly relating to the parent-child relationship which is  
23 determined by the court to be of a duration or nature that  
24 renders the parent unable, for the reasonably foreseeable  
25 future, to provide the appropriate care and support for the  
26 ongoing physical, mental, or emotional needs of the child.  
27 The bill specifies certain conduct or conditions that the  
28 court shall consider in determining neglect or diminished  
29 fitness as a parent. Such conduct and conditions include: a  
30 medically-verifiable emotional illness, mental illness, mental  
31 deficiency, or substance-related disorder as defined in Code  
32 section 125.2; prior abuse or neglect of the child, the child's  
33 sibling, or another child in the household, or conduct toward  
34 a child of a physically, emotionally, or sexually cruel or  
35 abusive nature; repeated or continuous failure by the parent,

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1 although physically and financially able, to provide the child  
2 with adequate food, clothing, shelter, education, or other care  
3 and support necessary for the child's physical, mental, or  
4 emotional health and development; abandonment of the child for  
5 a period of 60 or more days; or the termination of the parent's  
6 parental rights to another child.