

House File 2169 - Introduced

HOUSE FILE 2169

BY HEATON

A BILL FOR

1 An Act relating to cooperative agreements for continued contact
2 and communication between a biological parent, siblings, and
3 other family members of a minor child and the adopted minor
4 child following the issuance of a final adoption decree.

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

1 Section 1. Section 600.7A, Code 2016, is amended to read as
2 follows:

3 **600.7A Adoption services provided by or through department**
4 **of human services — selection of adoptive parent criteria —**
5 **cooperative postadoption contact and communication agreements.**

6 1. The department of human services shall adopt rules
7 which provide that if adoption services are provided by or
8 through the department, notwithstanding any other selection of
9 adoptive parent criteria, the overriding criterion shall be a
10 preference for placing a child in a stable home environment as
11 expeditiously as possible.

12 2. The supreme court shall adopt rules to provide for
13 the entering of a written cooperative agreement between the
14 biological parent and the adoptive parent who are parties
15 to the adoption, to provide for continuing contact and
16 communication between the biological parent, siblings, or other
17 family members of a minor child and the minor child following
18 issuance of a final adoption decree, if adoption services are
19 provided by or through the department of human services, the
20 biological parent has voluntarily terminated the parent-child
21 relationship and consented to the adoption, and the child is
22 ten years of age or older at the time the adoption petition is
23 filed. The rules shall require that the cooperative agreement
24 states with specificity the contact and communication terms to
25 which the parties have agreed, and that the biological parent
26 and adoptive parent have signed and submitted the cooperative
27 agreement to the juvenile court or court prior to the issuance
28 of a final adoption decree, subject to approval by the juvenile
29 court or court. The juvenile court or court shall retain
30 jurisdiction to enforce or modify such approved cooperative
31 agreements.

32 Sec. 2. Section 600.13, Code 2016, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 6. The juvenile court or court shall
35 review any cooperative agreement filed in accordance with rules

1 adopted pursuant to section 600.7A relating to provision of
2 continuing contact and communication between the biological
3 parent, siblings, or other family members of the minor child
4 and the minor child following issuance of a final adoption
5 decree to determine if the provisions of the cooperative
6 agreement are in the best interest of the child, and shall
7 approve or disapprove the cooperative agreement prior to
8 issuance of a final adoption decree under this section.

9 Sec. 3. Section 600.16, subsection 1, Code 2016, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. e. The biological parent who is a party to a
12 cooperative agreement as specified in section 600.7A, providing
13 for continuing contact and communication between the biological
14 parent, siblings, or other family members of the minor child
15 and the minor child following issuance of a final adoption
16 decree, approved by the juvenile court or court prior to the
17 issuance of the final adoption decree.

18 Sec. 4. Section 600.16, subsections 2 and 4, Code 2016, are
19 amended to read as follows:

20 2. Information regarding an adopted person's existing
21 medical and developmental history and family medical history,
22 which meets the definition of background information in section
23 600.8, subsection 1, paragraph "c", shall be made available as
24 provided in subsection 1. However, the identity of the adopted
25 person's biological parents shall not be disclosed unless
26 subsection 1, paragraph "e", is applicable.

27 4. Any person other than the adopting parents or the adopted
28 person, or a biological parent to whom subsection 1, paragraph
29 "e", is applicable, who discloses information in violation of
30 this section, is guilty of a simple misdemeanor for the first
31 offense, a serious misdemeanor for a second offense, and an
32 aggravated misdemeanor for a third or subsequent offense.

33 Sec. 5. Section 600.16A, Code 2016, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 4A. Notwithstanding any provision to the

1 contrary under this section, a biological parent who is a party
2 to a cooperative agreement as specified in section 600.7A which
3 has been approved by the juvenile court or court prior to the
4 issuance of a final adoption decree, and the adopted person
5 who is the subject of the adoption who is an adult, shall have
6 access to all papers and records pertaining to a termination
7 of parental rights under chapter 600A and to the permanent
8 adoption record.

9 Sec. 6. Section 600.16A, subsection 6, Code 2016, is amended
10 to read as follows:

11 6. Any person, other than the adopting parents or the
12 adopted person, or a biological parent to whom subsection 4A
13 is applicable, who discloses information in violation of this
14 section, is guilty of a simple misdemeanor.

15

EXPLANATION

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

18 This bill directs the supreme court to adopt rules to provide
19 for cooperative agreements between a biological parent and an
20 adoptive parent for continued contact and communication between
21 the biological parent, siblings, or any other family members
22 of the minor child and the minor child following the issuance
23 of a final adoption decree. Such cooperative agreements
24 are only available to parties to an adoption relative to
25 which the department of human services is providing adoption
26 services, the biological parent has voluntarily terminated the
27 parent-child relationship and consented to the adoption of the
28 minor child, and the minor child is 10 years of age or older at
29 the time of filing of the adoption petition. The rules are to
30 require that the cooperative agreement states with specificity
31 the contact and communication terms to which the parties have
32 agreed, and that the biological parent and adoptive parent have
33 signed and submitted the cooperative agreement to the juvenile
34 court or court prior to the issuance of a final adoption
35 decree, subject to approval of the juvenile court or court.

1 The juvenile court or court retains jurisdiction to enforce or
2 modify such approved cooperative agreements.

3 The bill directs the juvenile court or court to review any
4 cooperative agreement filed to determine if the provisions
5 of the cooperative agreement are in the best interest of the
6 child, and to approve or disapprove the cooperative agreement
7 prior to issuing a final adoption decree.

8 The bill also makes conforming changes to provisions
9 relating to access to adoption records and other information
10 relative to an adoption and termination of parental rights
11 proceedings to provide access to this information by the
12 biological parent who is a party to a cooperative agreement,
13 in addition to the adoptive parent and others who are already
14 provided such access under the law.