

House File 2378 - Introduced

HOUSE FILE 2378
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 520)

A BILL FOR

1 An Act relating to the time period during which a vacation or
2 appeal of a termination of parental rights order may be
3 requested.

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

1 Section 1. Section 232.117, subsection 10, Code 2016, is
2 amended to read as follows:

3 10. If a termination of parental rights order is issued on
4 the grounds that the child is a newborn infant whose parent
5 has voluntarily released custody of the child under section
6 232.116, subsection 1, paragraph "c", the court shall retain
7 jurisdiction to change a guardian or custodian and to allow a
8 parent whose rights have been terminated to request vacation
9 or appeal of the termination order ~~which~~. Any such request
10 ~~must be made~~ filed within ~~thirty~~ fifteen days of ~~issuance of~~
11 ~~the granting~~ entry of the termination order. The period for
12 request for vacation or appeal by a parent whose rights have
13 been terminated shall not be waived or extended and a vacation
14 or appeal shall not be granted for a request made after the
15 expiration of this period. The court shall grant the vacation
16 request only if it is in the best interest of the child. The
17 supreme court shall prescribe rules to ~~establish the period of~~
18 ~~thirty days, which shall not be waived or extended, in which a~~
19 ~~parent whose parental rights have been terminated may request a~~
20 ~~vacation or appeal of such a termination order~~ administer this
21 subsection.

22 Sec. 2. Section 600A.9, subsection 2, Code 2016, is amended
23 to read as follows:

24 2. If an order is issued under subsection 1, paragraph "b"
25 ~~of this section~~, the juvenile court shall retain jurisdiction
26 to change a guardian or custodian and to allow a terminated
27 parent or any putative biological parent to request vacation
28 or appeal of the termination order ~~which~~. Any such request
29 ~~must be made~~ filed within ~~thirty~~ fifteen days of ~~issuance~~
30 ~~of the granting~~ entry of the order. The period for request
31 by a terminated parent or by a putative biological parent
32 for vacation or appeal shall not be waived or extended and a
33 vacation or appeal shall not be granted after the expiration
34 of this period. The juvenile court shall grant the vacation
35 request only if it is in the best interest of the child. The

1 supreme court shall prescribe rules to ~~establish a period of~~
2 ~~thirty days, which shall not be waived or extended, in which a~~
3 ~~terminated or putative biological parent may request a vacation~~
4 ~~or appeal of a termination order~~ administer this subsection.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

8 This bill reduces the time period during which a request for
9 vacation or appeal of a termination of parental rights order
10 must be filed from within 30 days to within 15 days of the entry
11 of the order under both Code chapter 232 (juvenile justice) and
12 Code chapter 600A (termination of parental rights). The bill
13 also directs the supreme court to prescribe rules to administer
14 the provision.