

Senate File 473 - Introduced

SENATE FILE 473

BY EDLER

A BILL FOR

1 An Act relating to child welfare including the temporary
2 custody of a child and judicial proceedings in child in need
3 of assistance and termination of parental rights cases.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.78, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8. *a.* If the department or a court with
4 jurisdiction over the child determines that the child should be
5 removed from the custody of a parent, placement of the child
6 with the child's relatives shall be considered in the following
7 order of priority:

- 8 (1) The child's other parent.
- 9 (2) A grandparent of the child.
- 10 (3) An adult sibling of the child.
- 11 (4) An uncle or aunt of the child.
- 12 (5) Any other blood relative.

13 *b.* A court shall not order placement of a child with a
14 nonrelative without a specific finding that a placement with
15 a relative identified in paragraph "a" is inappropriate and
16 providing reasons for such a finding.

17 Sec. 2. Section 232.91, subsection 1, Code 2021, is amended
18 to read as follows:

19 1. Any hearings or proceedings under [this subchapter](#)
20 subsequent to the filing of a petition shall not take place
21 without the presence of the child's parent, guardian,
22 custodian, or guardian ad litem in accordance with and subject
23 to [section 232.38](#). A parent without custody ~~may petition~~
24 ~~the court to~~ shall be made a party to proceedings under this
25 subchapter.

26 Sec. 3. Section 232.117, subsection 6, Code 2021, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:

29 6. *a.* If the court orders the termination of parental
30 rights and transfers guardianship and custody under subsection
31 3, the guardian shall submit a case permanency plan to the
32 court and shall make every effort to establish a stable
33 placement for the child by adoption or other permanent
34 placement.

35 *b.* If the parental rights of the child's biological parents

1 had previously been terminated, and the court has ordered the
2 termination of the parental rights of the child's adoptive
3 parents, the guardian shall investigate whether the child's
4 biological parents are appropriate for placement or adoption
5 of the child. If the guardian finds the child's biological
6 parents are appropriate for placement or adoption of the child,
7 the biological parents shall be given priority for placement or
8 adoption of the child.

9 c. Within forty-five days of receipt of the termination
10 order, and every forty-five days thereafter until the court
11 determines such reports are no longer necessary, the guardian
12 shall report to the court regarding efforts made to place
13 the child for adoption or providing the rationale as to why
14 adoption would not be in the child's best interest.

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 relates to child welfare including the temporary
19 custody of a child and judicial proceedings in child in need of
20 assistance and termination of parental rights cases.

21 The bill provides that, in cases where a child has been
22 ordered to be removed from the custody of a parent prior to the
23 filing of a petition under Code chapter 232 (juvenile justice),
24 the department of human services or a court with jurisdiction
25 over the child shall consider placing the child with a relative
26 in the following order of priority: the child's other parent;
27 a grandparent of the child; an adult sibling of the child; an
28 uncle or aunt of the child; and any other blood relative. The
29 bill prohibits a court from placing a child with a nonrelative
30 without a specific finding that a relative as prioritized
31 in the bill is inappropriate for placement of the child and
32 providing reasons for such a finding.

33 The bill requires that parents without custody of
34 their child be made a party to child in need of assistance
35 proceedings involving the parent's child. Under current law,

1 parents without custody of their child may petition the court
2 to become a party to a child in need of assistance proceeding.
3 The bill requires the guardian of a child whose adoptive
4 parents have been terminated by court order to investigate
5 whether the child's biological parents are appropriate for
6 placement or adoption of the child if the parental rights of
7 the child's biological parents had previously been terminated.
8 The bill requires biological parents to be given priority for
9 placement or adoption if the guardian finds that placement or
10 adoption with the biological parents is appropriate.