

Senate File 372 - Introduced

SENATE FILE 372

BY GARRETT

(COMPANION TO HF 58 BY LOHSE)

A BILL FOR

1 An Act relating to the vacation of certain termination of
2 parental rights orders.

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

1 Section 1. Section 600A.9, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. a. If an order is issued under subsection 1, paragraph
4 "b" of ~~this section~~, the juvenile court shall retain
5 jurisdiction to change a guardian or custodian and to allow a
6 terminated parent or any putative biological parent to request
7 vacation or appeal of the termination order which request
8 must be made within thirty days of issuance of the granting
9 of the order. The period for request by a terminated parent
10 or by a putative biological parent for vacation or appeal
11 shall not be waived or extended and a vacation or appeal shall
12 not be granted after the expiration of this period. The
13 juvenile court shall grant the vacation request only if it is
14 in the best interest of the child. The supreme court shall
15 prescribe rules to establish a period of thirty days, which
16 shall not be waived or extended, in which a terminated or
17 putative biological parent may request a vacation or appeal of
18 a termination order.

19 b. If an order is issued under subsection 1, paragraph "b",
20 to terminate the parental rights of a biological parent who
21 indicated in the parent's petition for termination of parental
22 rights the grounds for termination specified in section 600A.8,
23 subsection 1, but an order to terminate the parental rights
24 of any other putative biological parent is not issued by the
25 court pursuant to subsection 1, paragraph "b", nor has the
26 other putative biological parent consented to the adoption in
27 lieu of termination of the parent's parental rights, thereby
28 prohibiting the filing of an adoption petition pursuant to
29 section 600.3, subsection 2, the court shall allow the parent
30 for whom the court issued an order terminating parental
31 rights to request a vacation of the order within thirty days
32 of issuance of the granting of the order. The period for
33 request by a terminated parent for vacation shall not be waived
34 or extended and a vacation shall not be granted after the
35 expiration of this period. The juvenile court shall grant the

1 vacation request only if it is in the best interest of the
2 child. The supreme court shall prescribe rules to establish a
3 period of thirty days, which shall not be waived or extended,
4 in which a terminated parent may request a vacation of a
5 termination order under this paragraph "b".

6 EXPLANATION

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

9 This bill relates to the vacation of certain termination of
10 parental rights orders.

11 Under the bill, if the court issues an order granting the
12 termination of parental rights petition of a biological parent
13 who indicated as the grounds for termination that the parent
14 has signed a release of custody and the release has not been
15 revoked, but the court has not issued an order granting the
16 termination of parental rights of any other putative biological
17 parent nor has the other putative biological parent consented
18 to the adoption in lieu of termination of the parent's parental
19 rights thereby prohibiting the filing of an adoption petition,
20 the court shall allow the parent for whom the court issued an
21 order terminating parental rights to request a vacation of the
22 order within 30 days of issuance of the granting of the order.
23 The period for the request shall not be waived or extended and
24 a vacation shall not be granted after the expiration of the
25 period. The juvenile court shall grant the vacation request
26 only if it is in the best interest of the child. The supreme
27 court shall prescribe rules to establish a period of 30 days
28 in which a terminated parent may request a vacation of a
29 termination order under the bill.