

CHAPTER 1009LOTTERY AUTHORITY BUDGET INFORMATION
— REPORTS TO LEGISLATURE

H.F. 2133

AN ACT requiring the lottery authority to submit budget information to the legislature.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99G.40, subsection 4, Code Supplement 2003, is amended to read as follows:

4. For informational purposes only, the chief executive officer shall submit to the department of management by October 1 of each year a proposed operating budget for the authority for the succeeding fiscal year. This budget proposal shall also be accompanied by an estimate of the net proceeds to be deposited into the general fund during the succeeding fiscal year. This budget shall be on forms prescribed by the department of management. A copy of the information required to be submitted to the department of management pursuant to this subsection shall be submitted to the legislative government oversight committees and the legislative services agency by October 1 of each year.

Approved March 18, 2004

CHAPTER 1010

TERMINATION OF PARENTAL RIGHTS — ABANDONMENT OF CHILD

H.F. 2176

AN ACT relating to abandonment of a child as grounds for termination of parental rights.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 600A.8, subsection 3, Code 2003, is amended by striking the subsection.

Sec. 2. Section 600A.8, subsection 4, Code 2003, is amended to read as follows:

~~4. 3. If the termination of parental rights relates to a putative father and the putative father~~
The parent has abandoned the child. For the purposes of this subsection, a ~~putative father parent~~
parent is deemed to have abandoned a child as follows:

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

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

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

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

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

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

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

(c) ~~Whether~~ With regard to a putative father, whether the putative father publicly acknowledged paternity or held himself out to be the father of the child during the six continuing months immediately prior to the termination proceeding.

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

(e) Any measures taken by the ~~putative father~~ parent to establish legal responsibility for the child.

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

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

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

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

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

c. The subjective intent of the ~~putative father~~ parent, whether expressed or otherwise, unsupported by evidence of acts specified in paragraph "a" or "b" manifesting such intent, does not preclude a determination that the ~~putative father~~ parent has abandoned the child. In making a determination, the court shall not require a showing of diligent efforts by any person to encourage the ~~putative father~~ parent to perform the acts specified in paragraph "a" or "b". In making a determination regarding a putative father, the court may consider the conduct of the putative father toward the child's mother during the pregnancy. Demonstration of a commitment to the child is not met by the putative father marrying the mother of the child after adoption of the child.

Approved March 18, 2004