

CHAPTER 135

VACATION OF TERMINATION OF PARENTAL RIGHTS ORDERS — TIME FRAME AND PROCEDURE IF RIGHTS OF BOTH PARENTS NOT TERMINATED

H.F. 400

AN ACT relating to the vacation of certain termination of parental rights orders.

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

Section 1. [Section 600A.9, subsection 2](#), Code 2023, is amended to read as follows:

2. *a.* If an order is issued under [subsection 1](#), paragraph “*b*” of ~~this section~~, the juvenile court shall retain jurisdiction to change a guardian or custodian and to allow a terminated parent or any putative biological parent to request vacation or appeal of the termination order which request must be made within thirty days of issuance of the granting of the order. The period for request by a terminated parent or by a putative biological parent for vacation or appeal shall not be waived or extended and a vacation or appeal shall not be granted after the expiration of this period. The juvenile court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish a period of thirty days, which shall not be waived or extended, in which a terminated or putative biological parent may request a vacation or appeal of a termination order.

b. If an order is issued under [subsection 1](#), paragraph “*b*”, to terminate the parental rights of a biological parent who indicated in the parent’s petition for termination of parental rights the grounds for termination specified in [section 600A.8, subsection 1](#), but an order to terminate the parental rights of any other putative biological parent is not issued by the court pursuant to [subsection 1](#), paragraph “*b*”, nor has the other putative biological parent consented to the adoption in lieu of termination of the parent’s parental rights, thereby prohibiting the filing of an adoption petition pursuant to [section 600.3, subsection 2](#), the court shall allow the parent for whom the court issued an order terminating parental rights to request a vacation of the order within thirty days of issuance of the granting of the order. The period for request by a terminated parent for vacation shall not be waived or extended and a vacation shall not be granted after the expiration of this period. The juvenile court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish a period of thirty days, which shall not be waived or extended, in which a terminated parent may request a vacation of a termination order under this paragraph “*b*”.

Approved June 1, 2023