

JAN 3 1 2005
JUDICIARY

HOUSE FILE 154
BY SHOULTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of a no-contact order against the
2 biological parent of an adopted person whose presence or
3 contact with the adopted person poses a threat to the health
4 or safety of the adopted person.

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

HF 154

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1 Section 1. NEW SECTION. 600.13A NO-CONTACT ORDER.

2 1. An adopted person or an adoptive parent of a minor
3 child who has been adopted pursuant to section 600.13 may
4 obtain a no-contact order against the biological parent of the
5 adopted person or adopted child based upon a showing that the
6 presence of or contact with the biological parent poses a
7 threat to the health or safety of the adopted person or
8 adopted child. An adopted person or adoptive parent may seek
9 such an order by filing a petition in the district court.
10 Venue shall lie where either party resides.

11 2. The filing fee and court costs for a no-contact order
12 and in a contempt action under this section shall be waived
13 for the adopted person or the adoptive parent. The clerk of
14 court, the sheriff of any county in this state, and other law
15 enforcement and corrections officers shall perform their
16 duties relating to service of process without charge to the
17 adopted person or the adoptive parent. When a no-contact
18 order is entered by the court, the court may direct the
19 biological parent to pay to the clerk of court the fees for
20 the filing of the petition and reasonable costs of service of
21 process if the court determines the biological parent has the
22 ability to pay such fees and costs.

23 3. Violation of a no-contact order issued under this
24 section, including a modified no-contact order, is punishable
25 by summary contempt proceedings. A hearing in a contempt
26 proceeding brought pursuant to this section shall be held not
27 less than five and not more than fifteen days after the
28 issuance of a rule to show cause, as set by the court. If
29 held in contempt for violation of a no-contact order or a
30 modified no-contact order, the biological parent shall be
31 confined in the county jail for a minimum of seven days. A
32 jail sentence imposed pursuant to this subsection shall be
33 served on consecutive days. No portion of the mandatory
34 minimum term of confinement imposed by this subsection shall
35 be deferred or suspended. A deferred judgment, deferred

1 sentence, or suspended sentence shall not be entered for
2 violation of a no-contact order or a modified no-contact
3 order, and the court shall not impose a fine in lieu of the
4 minimum sentence, although a fine may be imposed in addition
5 to the minimum sentence.

6 EXPLANATION

7 This bill relates to the issuance of a no-contact order
8 against the biological parent of an adopted person whose
9 presence or contact with the adopted person poses a threat to
10 the health or safety of the adopted person.

11 The bill provides that an adopted person or an adoptive
12 parent of a minor child may obtain a no-contact order against
13 the biological parent of the adopted person or adopted child
14 based upon a showing that the presence of or contact with the
15 biological parent poses a threat to the health or safety of
16 the adopted person or adopted child. An adopted person or
17 adoptive parent may seek such an order by filing a petition in
18 the district court. Venue shall lie where either party
19 resides.

20 The bill provides that the filing fee and court costs for a
21 no-contact order and in a contempt action under the bill shall
22 be waived for the adopted person or the adoptive parent, and
23 if a no-contact order is entered by the court, the court may
24 direct the biological parent to pay to the clerk of court the
25 fees for the filing of the petition and reasonable costs of
26 service of process if the court determines the biological
27 parent has the ability to pay such fees and costs.

28 The bill provides that a violation of a no-contact order
29 issued under the bill is punishable by summary contempt
30 proceedings.

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