

FEB 16 2003  
HUMAN RESOURCES

HOUSE FILE 335  
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and SMITH

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child-placing agency contracts and  
2 establishing a cause of action.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 335

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1 Section 1. NEW SECTION. 238.44A CONTRACTS FOR ADOPTIVE  
2 SERVICES -- REQUIRED INFORMATION.

3 1. A child-placing agency licensed to place children for  
4 adoption shall include in any contract with an applicant for  
5 adoptive services, a statement that if a child is placed with  
6 a prospective adoptive family prior to finalization of the  
7 adoption and the child is subsequently removed from such  
8 placement, the child-placing agency is required to provide the  
9 applicant with the reasons for removal of the child.

10 2. If a child-placing agency, other than the department of  
11 human services, does not comply with subsection 1 by not  
12 including the required information in the contract or by not  
13 providing an applicant with the reasons for removal of a  
14 child, in addition to any rights of appeal otherwise provided  
15 the applicant, the noncompliance constitutes a cause of action  
16 for the applicant against the child-placing agency for  
17 recovery of all fees and costs previously paid by the  
18 applicant, and reasonable court costs and attorney fees.

19 Sec. 2. Section 600.8, Code 2005, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 13. a. If an agency removes a minor  
22 person to be adopted from a prospective adoption petitioner's  
23 home following a placement of the minor person in the  
24 petitioner's home, the agency shall provide the prospective  
25 adoption petitioner with the reasons for the removal.

26 b. If an agency, other than the department of human  
27 services, does not comply with the requirement pursuant to  
28 paragraph "a" to provide the reasons for removal, the  
29 noncompliance constitutes a cause of action for the  
30 prospective adoption petitioner against the agency for  
31 recovery of all fees and costs previously paid by the  
32 petitioner, and reasonable court costs and attorney fees.

33 Sec. 3. NEW SECTION. 600A.4A REQUIREMENTS FOR REMOVAL OF  
34 CHILD PLACED WITH PERSON INTENDING TO ADOPT CHILD PRIOR TO  
35 PARENTAL RIGHTS TERMINATION.

1 1. If an agency places a child with a person who intends  
2 to adopt the child, prior to the granting of a petition for  
3 termination of parental rights, but subsequently removes the  
4 child, the agency shall provide the person with the reasons  
5 for the removal.

6 2. If an agency, other than the department of human  
7 services, does not comply with the requirement pursuant to  
8 subsection 1 to provide the reasons for the removal, the  
9 noncompliance constitutes a cause of action for the person who  
10 intends to adopt the child against the agency for recovery of  
11 all fees and costs previously paid by the person, and  
12 reasonable court costs and attorney fees.

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EXPLANATION

14 This bill requires a licensed child-placing agency that  
15 provides adoption services to include in any contract for  
16 services with an applicant, a statement that if a child is  
17 placed with an approved adoptive family prior to finalization  
18 of the adoption and the child is subsequently removed from  
19 such placement, the child-placing agency is required to  
20 provide the applicant with the reasons for removal of the  
21 child. If the child-placing agency, other than the department  
22 of human services, does not include the required information  
23 in the contract or does not provide an applicant with the  
24 reasons for removal of a child, in addition to any rights of  
25 appeal otherwise provided the applicant, the noncompliance  
26 constitutes a cause of action for the applicant against the  
27 child-placing agency for recovery of all fees and costs  
28 previously paid by the applicant, and reasonable court costs  
29 and attorney fees.

30 The bill also includes similar language in the adoption  
31 Code chapter and the termination of parental rights Code  
32 chapter to require provision of the reasons for removal of a  
33 child from the home of the person seeking adoption of the  
34 child, and providing for a cause of action based on lack of  
35 compliance with the requirement.