

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 125

January 27, 1947.
Judiciary No. 1.

By MORRISSEY (Bekman, Hultman,
Kirketeg, Maytag).

A BILL FOR

An Act to amend Chapter six hundred (600), Code 1946, relating to adoptions and fixing penalties for violation of the law relating to adoptions.

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

1 Section 1. Section six hundred point one (600.1), Code
2 1946, is hereby repealed and the following is substituted there-
3 for: "No person may assign, relinquish or otherwise transfer to
4 another his rights and duties with respect to the permanent
5 care or custody of a minor child, and no person other than the
6 parent of the child may assume the permanent care and custody
7 of a minor child except in accordance with the provisions of this
8 act or Chapter two hundred thirty-eight (238), Code 1946.
9 Any person of lawful age may petition the district court
10 in the county in which the petitioner resides or where the
11 person having legal custody of the child resides for permission
12 to adopt any child not his own. If the petitioner be married,
13 the spouse shall join in the petition unless said spouse is
14 natural parent of the child to be adopted in which case only the
15 spouse's written consent is required. The relationship be-
16 tween a natural parent married to the petitioner (in adoption

17 by a step-parent) shall remain unchanged by adoption. A
18 person of full age may be adopted, but only such provisions
19 contained in this act shall apply to adult adoptions as
20 the district court shall order.

21 The petition shall be filed in triplicate and shall
22 contain the following information:

23 "1. The name, age, race, place of residence and religious
24 faith of the petitioner or petitioners; and if married, the
25 place and date of their marriage, and whether they are living
26 together as husband and wife.

27 2. The sex, exact name, race, date and place of birth if
28 known, or if unknown, the approximate age and place of birth,
29 and the domicile or place of residence of the child to be
30 adopted.

31 3. The religious faith of the child and his parents as
32 nearly as the same can be ascertained.

33 4. A full description of the property, if any, of the child.

34 5. The new name to be given the child, if change of name is
35 desired.

36 6. The name and place of residence, if known to the
37 petitioner or petitioners, of the parent or parents of the
38 child, or if the child be an orphan, of its guardian, or if there
39 be no guardian, of the nearest kin of such child, or the agency to
40 which such child has been permanently committed, and whether
41 or not such agency is a licensed child placing agency as defined
42 in Chapter two hundred thirty-eight (238), Code 1946.

43 7. The relationship, if any, of the child to the petitioner
44 or petitioners.

45 8. The consents required by Section three (3) hereof.”

1 Sec. 2. Section six hundred point two (600.2), Code
2 1946, is hereby repealed and the following substituted therefor:
3 “Upon the filing of a petition as provided in Section one (1)
4 hereof, except in cases of children under the jurisdiction
5 of the Board of Control of State Institutions, the Clerk of
6 the District Court shall mail or deliver two copies of such
7 petition forthwith to the State Department of Social Welfare.
8 The State Department of Social Welfare, through its own agents
9 or one of its licensed child placing agencies, shall make a
10 complete investigation to verify the allegations of the petition
11 and the consents to such adoptions; to investigate the conditions
12 and antecedents of the child to ascertain whether he is a
13 proper subject for adoption; to make appropriate inquiry to
14 determine whether the proposed foster home is a suitable one
15 for the child; and to otherwise establish the suitability of
16 the proposed adoption. The State Department shall forward a
17 copy of the investigation and its recommendations, in writing,
18 to the court where the petition was filed, within sixty (60)
19 days of the receipt of a copy of the petition or such further
20 time as the court may allow. The court may require such further
21 report by the Department as may be necessary.

22 If the child is not living in the proposed home, the court,
23 after such investigation and upon application, may order the

24 child placed in the home of the petitioner after such notice as
25 may be prescribed by the court to the person or persons or
26 organization with whom the child is residing and hearing upon
27 such application.

28 No decree or order of court shall be entered or made upon
29 a petition to adopt a child until such investigation by the
30 State Department of Social Welfare or its licensed agency
31 has been made and until the child shall have resided not less
32 than twelve (12) months in the home of the petitioner or
33 petitioners. After the initial investigation, the State
34 Department of Social Welfare shall make such further in-
35 vestigation and findings as shall be necessary to submit another and
36 final report to the court before the final order of adoption,
37 and shall do so upon order of the court. However, in fixing
38 the time or period during which the child shall have resided
39 in the home of the petitioner or petitioners, the court may
40 take into consideration the fact that the spouse of the
41 petitioner is the natural parent of the child and may shorten the
42 period in such cases. In such case, the State Department shall
43 be ordered to, and shall forthwith, submit a final report.”

1 Sec. 3. Section six hundred point three (600.3), Code 1946,
2 is hereby repealed and the following enacted in lieu thereof:
3 “Consent as herein required, shall refer to and be applicable
4 only to the specific adoption proposed by the petition. Written
5 consent to the adoption, submitted with the petition, shall be
6 required from:

7 (a) The child, if fourteen (14) years of age or over, and also

8 (b) Both the parents, unless one is dead, or unless the child

9 has been released in accordance with the law on child placing,

10 or unless a parent has lost parental rights through court action

11 or by legal means. Before hearing may be held in adoption

12 proceedings, proof shall be filed showing that parental rights

13 have been terminated through proper legal action where living

14 parents have lost such rights. Imprisonment involving loss of

15 civil rights may not be construed as depriving a parent of

16 parental rights. A divorce decree awarding the custody of a

17 child shall not necessarily be construed as depriving a parent

18 of parental rights.

19 (c) The surviving parent, if one be dead, or only the

20 mother of a child born out of wedlock, provided that consent of

21 the father must also be obtained if paternity has been legally

22 established.

23 (d) The legal guardian of the person of the child to whom

24 parental rights have been transferred by court action with

25 authority to consent to adoption,

26 (e) The child placing agency having the permanent care and

27 custody of the child.

28 In all cases where consent is required such consent shall

29 be subscribed and sworn to before a person authorized to

30 administer oaths. Minority of the parent shall not in and of

31 itself be a bar to the right to consent to adoption nor invalidate

32 such consent, provided however, that, except in cases of minor

33 parents under the jurisdiction of the Board of Control of State
34 Institutions, such consent must be approved in writing by the
35 State Department of Social Welfare or one of its licensed agencies.
36 Where the child comes from outside the state, the report of the
37 State Department of Social Welfare shall include sufficient
38 information for the court to assure itself that consent has been
39 legally secured.”

1 Sec. 4. Section six hundred point four (600.4), Code 1946,
2 is hereby repealed by striking the section and substituting the
3 following in lieu thereof: “All hearings on adoption shall be
4 private and conducted only in the presence of parties and their
5 attorneys or representatives who are designated by order of court.
6 Notice of such hearings shall be prescribed by the court.”

1 Sec. 5. Section six hundred point seven (600.7), Code 1946,
2 is hereby repealed, and the following enacted in lieu thereof:
3 “If within five (5) years after an adoption, a child is found to
4 be suffering from feeble-mindedness, epilepsy, insanity or
5 venereal infection or an otherwise permanent and serious disability,
6 as a result of conditions existing prior to the adoption, and
7 of which the adopting parent or parents had no knowledge or
8 notice, a petition setting forth such facts may be filed with the
9 court in which the adoption proceedings were first considered.
10 If upon hearing and after such notice as the court shall prescribe,
11 the facts alleged are proven, the court may annul the adoption
12 and refer the child to the Juvenile Court or take such other action
13 as the case may require. In every such proceeding, it shall be

14 the duty of the county attorney to represent the interests of the
15 child.”

1 Sec. 6. Section six hundred point eight (600.8), Code 1946,
2 is amended by striking the words “a duplicate copy” and
3 substituting therefor the words “two copies.”

1 Sec. 7. Chapter six hundred (600) Code 1946, is amended by
2 adding the following new sections:

3 “Section 600.10. Every person, excepting adopting parents or
4 adopted child, who discloses any information contained in any
5 adoption papers or proceedings except as may be authorized by
6 order of court and every person who violates any of the provisions
7 of this chapter or who intentionally shall make any false statements
8 with reference to the matters contained herein, shall be guilty of
9 a misdemeanor and upon conviction shall be punished accordingly.

10 Section 600.11. If any section, clause, sentence or
11 phrase of this act is for any reason held unconstitutional or
12 invalid, such decision shall not affect the validity of the remain-
13 ing portions of this act.”

1 Sec. 8. This Act being deemed of immediate importance
2 shall be in full force and effect after publication in the
3 Monroe Mirror, a newspaper published at
4 Monroe, Iowa, and the Colfax Tribune,
5 a newspaper published at Colfax, Iowa.
6 Said publication shall be without expense to the State of Iowa.

EXPLANATION OF H. F. 125

This bill amends the adoption laws. It is recommended by the Iowa Parent Teachers Association, the Iowa Federation of Women's Clubs, the Iowa Inter-Church

Council, the American Legion Auxiliary, the League of Women Voters, the Catholic Women's League, the American Association of University Women, the Lutheran Welfare Society, the Catholic Charities, the Iowa Children's Home Society, the American Home Finding Society, the Iowa Federation of Business and Professional Women and many other civic and religious groups.

The bill was presented at the last session, passed the House, but was not released from the Senate Sifting Committee during the last days of the session.

The bill requires: (1) that the adoption petition set forth necessary facts for the information of the court and as a basis for an investigation; (2) a waiting period of sixty days before the court may take action on the adoption during which time an investigation is made of the proposed adoption; (3) a minimum residence of one year in the home of the foster parents prior to final decree except in the case of the marriage of the adopting parent to one of the natural parents; (4) that valid consents from the natural parents or guardian be secured; (5) that adoption proceedings be private; and (6) final decision by the court.

These precautionary measures are substantially the same as have been enforced for years in the adoption of children under the jurisdiction of state institutions.

The purposes of the bill are: (a) to provide additional protection for the child, the foster parents, the natural parents and the state; (b) to prevent the tragedies arising from hasty adoptions; and, (c) to make more certain that unfortunate children whose parents, through adversity or the infirmities of their nature, are unable to provide for them, are legally placed in wholesome surroundings under the care of proper foster parents who are willing and able to provide for their protection and comfort.