

February 15, 1963.
Judiciary 1.

House File 273
By MENSING, MAULE, HIRSCH and KREAGER.

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

A BILL FOR

An Act to amend, revise, and codify the statutes relating to adoption.

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

- 1 Section 1. Chapter six hundred (600), Code 1962, is repealed.
- 2 Sec. 2. For the purpose of adoption, unless the text other-
- 3 wise requires:
 - 4 1. "Court" means the juvenile court.
 - 5 2. "Child" means a person less than eighteen (18) years of
 - 6 age.
 - 7 3. "Child-placing agency" means:
 - 8 a. An agency licensed under chapter two hundred thirty-eight
 - 9 (238) of the Code.
 - 10 b. An agency without the state approved by the state board
 - 11 of social welfare of this state.
 - 12 c. The state board of control.
 - 13 4. "Authorized agency" means: child-placing agencies as
 - 14 defined in this Act and the county and state departments of
 - 15 social welfare.
 - 16 5. "Parent" means:
 - 17 a. Mother.
 - 18 b. A father as to whom a child is presumed to be a legiti-
 - 19 mate child.
 - 20 c. A person as to whom a child is presumed to be a legiti-
 - mate child.

21 d. An adoptive parent.

22 The term does not include a parent whose parent-child relation-
23 ship has been terminated by judicial decree.

24 6. "Relatives of the child" means: sisters, brothers, grand-
25 parents, aunts, and uncles of the child.

1 Sec. 3. Any person present within the state at the time the
2 petition for adoption is filed may be adopted.

1 Sec. 4. If residents of the state, the following persons are
2 eligible to adopt children:

3 1. The husband and wife jointly, or either the husband or
4 wife if the other spouse is a parent of the child.

5 2. An unmarried adult.

6 3. A married adult who by judicial decree has been accorded
7 the right to reside separate and apart from his or her spouse.

1 Sec. 5. Proceedings for adoption of a child shall be brought
2 before the court of the county where the child or the petitioners
3 reside. Proceedings for adoption of a person other than a child
4 shall be brought before the district court of the county where
5 the person or petitioners reside and only such provisions of this
6 Act as the district court may order shall apply.

1 Sec. 6. Except where a petition is filed by a stepparent or
2 by relatives of the child, no petition for adoption shall be
3 entertained unless prior to the filing of the petition:

4 1. A decree of termination of the parent-child relationship
5 with respect to each living parent of the child sought to be
6 adopted has been entered.

7 2. The child sought to be adopted has been placed for adop-
8 tion with the petitioners by a child-placing agency.

9 3. An investigation has been made by a child-placing agency

10 prior to placing the child in the home of the petitioners. The
11 investigation shall include the social history, the suitability
12 of the home, and a statement that the child is suitable for
13 adoption.

1 Sec. 7. When the petition is filed by a stepparent or by
2 relatives of the child, a decree of termination of parent-child
3 relationship with respect to each living parent of the child
4 sought to be adopted shall be entered before the decree of adop-
5 tion shall be granted. This section shall not apply where a
6 spouse of a petitioner is a parent of the child sought to be
7 adopted. Where a spouse of a petitioner is a parent of the child
8 sought to be adopted, the parent-child relationship between such
9 parent and child shall not be terminated.

1 Sec. 8. A petition for adoption shall be filed in duplicate
2 and verified by the petitioners. The petition shall state:

3 1. The full names, ages and place of residence of the
4 petitioners, and if they are married the place and date of the
5 marriage, and their relationship, if any, to the child.

6 2. Except where the petitioners are stepparents or relatives
7 of the child, an allegation that a decree of termination of the
8 parent-child relationship with respect to each living parent of
9 the child sought to be adopted has been entered and that such
10 child was placed for adoption with the petitioners by a child-
11 placing agency, together with the name of the agency and the date
12 of the placement.

13 3. The date and place of birth of the child.

14 4. The name of the child used in the proceedings, and if a
15 change in name is desired, the new name.

16 5. A full description and statement of value of all property

17 owned or possessed by the child.

18 The clerk of the court shall transmit one copy of the petition
19 to the state board of social welfare.

1 Sec. 9. Where a petition is filed by a stepparent or by
2 relatives of the child, no adoption of such child shall be
3 granted unless written consent to the adoption of the child by
4 the petitioners is given by each parent of the child whose
5 parent-child relationship with the child has not been terminated
6 by court decree. If there is no parent, no adoption of the child
7 shall be granted unless written consent to the adoption is given
8 by the guardian of the person of the child. Minority of a parent
9 shall not invalidate a consent.

10 Where a petition is filed by any other person, no adoption of
11 a child may be ordered unless written consent to the adoption of
12 said child by the petitioners is given by the guardian of the
13 person of the child.

1 Sec. 10. Consents shall be acknowledged before an officer
2 authorized to take acknowledgments and witnessed by a represent-
3 ative of the child-placing agency or by a representative of the
4 court.

1 Sec. 11. Where the child is twelve (12) years of age or
2 older, the adoption shall not be granted without the consent of
3 the child. Such consent shall be given in court or shall be in
4 writing in such form as the court may direct.

1 Sec. 12. Written consents required in sections nine (9) and
2 eleven (11) of this Act shall be attached to adoption petitions.
3 Where the parent-child relationship has been terminated by
4 judicial decree, a certified copy of the termination decree shall
5 be filed directly with the court by the guardian of the person of

6 the child.

1 Sec. 13. Withdrawal of any consent filed in connection with a
2 petition for adoption shall not be considered by the court until
3 such time as notice and opportunity to be heard is given to the
4 person seeking to withdraw consent, to the petitioners, and to
5 any authorized agency involved in the proceeding. If the court
6 finds that the best interest of the child will be furthered
7 thereby, a written order permitting the withdrawal of such con-
8 sent shall be issued. The entry of a decree of adoption renders
9 any consent irrevocable.

1 Sec. 14. Upon the filing of a petition by a stepparent or by
2 relatives of the child, the court shall direct that a social
3 study be made by an authorized agency and that a verification of
4 the allegations of the petition and a report in writing of the
5 social study be submitted to the court by the agency prior to the
6 hearing. The provisions of this section may be waived if the
7 court finds that the best interest of the child will be furthered
8 thereby.

9 Upon the filing of a petition by a person other than a step-
10 parent or relative of the child, the court shall direct the
11 agency which placed the child in the home of the petitioners to
12 verify the allegations of the petition and to file with the court
13 a copy of the investigation required in section six (6), sub-
14 section three (3) of this Act. The agency shall conduct and
15 report in writing prior to the hearing such additional social
16 study as the court deems necessary. The provisions of this
17 section shall not prohibit the court from ordering additional
18 investigation by an authorized agency or an officer of the court.

1 Sec. 15. The social study shall include the social history,

2 the present physical and mental condition of the child, the
3 child's placement in the home of the petitioners and the adjust-
4 ment therein, the suitability of the home, and such additional
5 information as requested by the court which may be pertinent to
6 the adoption proceedings. The report submitted shall include a
7 recommendation and reasons therefor as to whether the petition
8 for adoption should be granted.

1 Sec. 16. After a petition has been filed, the court shall set
2 the time and place for a hearing and shall cause notice thereof
3 to be served on the petitioners, the child-placing agency that
4 placed the child with the petitioners for adoption, if any, and
5 on any authorized agency responsible for making the social study.

1 Sec. 17. The court shall provide for such hearings in adop-
2 tion proceedings as may be necessary. A hearing on the petition
3 shall be held no later than thirteen (13) months from the date
4 the child was placed in the petitioner's home. Except where the
5 petitioners are stepparents or relatives of the child, no
6 petition shall be granted until the child shall have lived for
7 twelve (12) months in the home of the petitioners under the
8 supervision of a child-placing agency. The twelve (12) month's
9 residence may be waived by order of the court if the court is
10 satisfied that the best interests of the child will be furthered
11 thereby.

1 Sec. 18. All hearings in adoption proceedings shall be
2 private and conducted in the presence of the child to be adopted
3 unless the court orders otherwise, the petitioners, the parent
4 who is the spouse of a petitioner, and such other persons as the
5 court may designate. A record of the hearings shall be required

6 as in other civil cases, unless the parties waive the right to
7 such record and the court shall so order.

1 Sec. 19. If after the hearing, the court shall be satisfied
2 as to the identity and relationship of the persons concerned
3 that the petitioners are properly able to rear and educate the
4 child and that the petition should be granted, a decree shall be
5 entered in the office of the clerk. The decree shall set forth
6 the name of the child-placing agency which placed the child, the
7 name of the petitioners, the name under which the child is
8 thereafter to be known, and order that from that date thereof,
9 the child shall be the child of the petitioners. If desired, the
10 court, in and by said decree, may change the name of the child.
11 The clerk shall deliver to the adopting parents a certified copy
12 of the decree.

1 Sec. 20. Upon entry of the decree of adoption, the relation-
2 ship between the adopted person and the persons who were the
3 parents prior to the decree of adoption shall be completely
4 severed and all legal rights, privileges, duties, obligations,
5 and other legal consequences of the relationship shall cease to
6 exist, including the right of inheritance, except that where the
7 adoption is by the spouse of the child's parent, the relationship
8 of the child to such parent shall remain unchanged by the decree of
9 adoption.

1 Sec. 21. Upon entry of the decree of adoption, the relation-
2 ship of parent and child and all legal rights, privileges, duties,
3 obligations, and other legal consequences of the natural rela-
4 tionship of child and parent, including the right of inheritance,
5 shall thereafter exist between the adopted person and the adop-
6 tive parents the same as though the child was born in lawful

7 wedlock.

1 Sec. 22. If for any reason a petition for adoption of a child
2 is dismissed or denied, the court shall order the removal of the
3 child from the proposed adoptive home. Upon removal the court
4 shall vest temporary legal custody of the child in an authorized
5 agency and shall fix responsibility for temporary child support.
6 Where the legal custody of the child was previously granted upon
7 order of the court to a child-placing agency, the agency shall
8 continue to act in such capacity unless the court orders other-
9 wise.

1 Sec. 23. The findings of the court in any petition for
2 adoption shall be made a complete record and shall be filed with
3 the clerk of the court. The clerk of court shall cause one (1)
4 copy of the decree to be sent to the state board of social wel-
5 fare and one (1) copy to the child-placing agency which placed the
6 child for adoption. The clerk shall send an abstract of the
7 decree to the state registrar of vital statistics as provided in
8 section one hundred forty-four point forty-four (144.44) of the
9 Code. The complete record shall be sealed by the clerk and shall
10 not thereafter be opened except on order of the court.

1 Sec. 24. Every person, excepting adopting parents or the
2 adopted child, who discloses any information contained in any
3 adoption papers or proceedings, except as may be authorized by
4 order of the court, and every person who violates any of the
5 provisions of this Act or who intentionally shall make any false
6 statement with reference to the matters contained herein shall be
7 guilty of a misdemeanor.

1 Sec. 25. After one (1) year from the date an adoption decree
2 is entered, any irregularity in the proceeding shall be deemed

3 cured and the validity of the decree shall not thereafter be
4 subject to attack on any such ground in any collateral or direct
5 proceeding.

1 Sec. 26. Section two hundred thirty-five point three (235.3),
2 Code 1962, is amended by adding to subsection seven (7) the
3 following sentence:

4 "Such records shall be confidential and shall be maintained in
5 such form and for such period as the state board shall deem
6 necessary."

1 Sec. 27. Section two hundred thirty-eight point twenty-six
2 (238.26), Code 1962, is repealed and the following enacted in
3 lieu thereof:

4 "No person may assign, relinquish, or otherwise transfer to
5 another individual or to a child-placing agency for purposes of
6 adoption, his rights, or duties with respect to the permanent
7 care or custody of a child unless specifically authorized or
8 required in accordance with the provisions of the termination of
9 parental-child relationship and adoption sections of the Code."

1 Sec. 28. Sections two hundred thirty-eight point twenty-five
2 (238.25), two hundred thirty-eight point twenty-seven (238.27),
3 two hundred thirty-eight point twenty-eight (238.28), two hundred
4 thirty-eight point twenty-nine (238.29), and two hundred thirty-
5 eight point thirty-eight (238.38), Code 1962, are repealed.

1 Sec. 29. Section two hundred thirty-eight point thirty-two
2 (238.32), Code 1962, is amended by striking all after the colon
3 in line eight (8) and inserting in lieu thereof the following:

4 1. Receive minors for the purpose of adoption placement where
5 the parent-child relationship has been terminated by decree of the
6 court.

7 2. Receive minors for the purpose of foster care placement.

1 Sec. 30. Chapter two hundred thirty-eight (238), Code 1962,

2 is amended by adding the following section:

3 "In placing children, child-placing agencies shall, as far as
4 practicable, place children in homes of individuals holding the
5 same religious belief as the parents of the child."

1 Sec. 31. Section six hundred thirty-six point forty-three
2 (636.43), Code 1962, is repealed.

1 Sec. 32. Nothing in this Act shall affect relinquishment,
2 placement or adoption proceedings pending or granted prior to
3 July 4, 1963.

EXPLANATION OF HOUSE FILE 273

The purpose of this bill is to require that in all adoptions of children, other than in adoptions by close relatives or stepparents of the child, the child to be adopted shall be placed in the home of the prospective adoptive parents by a licensed child placing agency. The bill requires that in all adoptions, except in stepparent adoptions where a natural parent is a spouse of a petitioner, the rights between the natural parents and the child be terminated by court decree prior to the adoption.