

JAN 25 2006
JUDICIARY

HOUSE FILE 2116
BY STRUYK

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

A BILL FOR

1 An Act providing for termination of the parental rights of a
2 child's parent who has been convicted of certain offenses
3 against a minor.

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

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HF 2116

1 Section 1. Section 232.111, subsection 2, paragraph a,
2 Code 2005, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (7) The parent has been convicted of an
5 offense described in section 232.116, subsection 1, paragraph
6 "o" and the other conditions under that paragraph "o" are met.
7 The county attorney shall file the petition immediately upon
8 the parent's conviction for such offense.

9 Paragraph "b" is not applicable to this subparagraph.

10 Sec. 2. Section 232.116, subsection 1, Code 2005, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. o. The court finds that all of the
13 following conditions exist:

14 (1) The parent is divorced from or was never married to
15 the child's other parent.

16 (2) The parent will be required to register as a sex
17 offender under section 692A.2 upon the date of the offender's
18 placement on probation or release from confinement for an
19 offense that subjects the parent to the residency restrictions
20 under section 692A.2A.

21 (3) The offense was committed on or after the date the
22 child was born.

23 In considering whether to terminate the rights of a parent
24 under this paragraph "o", in addition to the considerations
25 under subsection 2, the court shall give consideration to the
26 preference of the child and the preference of the child's
27 other parent, if applicable.

28 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
29 3, shall not apply to this Act.

30 EXPLANATION

31 This bill provides for termination of the parental rights
32 of a child's parent who has been convicted of certain offenses
33 against a minor. The bill is applicable to a parent if the
34 parent is divorced from or was never married to the child's
35 other parent.

1 Code section 232.111, relating to the filing of a petition
2 for termination of parental rights with the juvenile court, is
3 amended to apply a new requirement for the county attorney to
4 immediately file such a petition when a parent has been
5 convicted of a criminal offense against a minor or an offense
6 involving a minor, as provided in Code section 232.116,
7 subsection 1, paragraph "o", that is part of the bill. The
8 bill provides that existing exceptions to requirements for the
9 county attorney to file such a petition are not applicable to
10 the new requirement.

11 Code section 232.116, relating to the grounds for
12 termination of parental rights, is amended to provide new
13 grounds. The parent must have been divorced from or never
14 married to the child's other parent. The parent must meet the
15 requirements for mandatory registration as a sex offender
16 under Code section 692A.2. The mandatory registration
17 condition is applicable due to the parent's conviction for a
18 criminal offense against a minor, or an offense involving a
19 minor that is an aggravated offense, sexually violent offense,
20 or other relevant offense, and the offense is subject to the
21 residency restrictions under Code section 692A.2A. Finally,
22 the offense must have occurred on or after the date the child
23 was born. The residency restrictions under Code section
24 692A.2A provide that a conviction for certain offenses
25 involving a minor triggers a prohibition against the offender
26 residing within 2,000 feet of the real property comprising a
27 public or nonpublic elementary or secondary school or a child
28 care facility.

29 The bill requires the court, in considering whether to
30 terminate the rights of a parent under the new grounds, in
31 addition to the considerations under existing law, to give
32 consideration to the preference of the child and the
33 preference of the child's other parent, if applicable.
34 Existing law for termination of parental rights under Code
35 section 232.116 requires the court to give primary

1 consideration to the child's safety, to the best placement for
2 furthering the long-term nurturing and growth of the child,
3 and to the physical, mental, and emotional condition and needs
4 of the child, and lists other elements that may be considered
5 by the court.

6 The bill ties the offense requiring the filing of a
7 petition to terminate parental rights to the various criminal
8 offenses against a person that trigger the mandate for a
9 convicted offender to register as a sex offender upon the date
10 of the offender's placement on probation or release from
11 confinement.

12 The bill may include a state mandate as defined in Code
13 section 25B.3. The bill makes inapplicable Code section
14 25B.2, subsection 3, which would relieve a political
15 subdivision from complying with a state mandate if funding for
16 the cost of the state mandate is not provided or specified.
17 Therefore, political subdivisions are required to comply with
18 any state mandate included in the bill.

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