

SENATE FILE 2252
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3092)

Passed Senate, Date 3-8-06 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved April 7, 2006

A BILL FOR

1 An Act relating to adoption petitions and proceedings including
2 the information required to be included in an adoption
3 petition.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

SENATE FILE 2252
S-5023

1 Amend Senate File 2252 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "conviction" the following: "or deferred judgment for
4 an offense other than a simple misdemeanor".
5 2. Page 1, line 20, by inserting after the word
6 "conviction" the following: "or deferred judgment for
7 an offense other than a simple misdemeanor".
8 3. Page 1, line 32, by inserting after the word
9 "conviction" the following: "or deferred judgment for
10 an offense other than a simple misdemeanor".

By BRAD ZAUN

S-5023 FILED MARCH 7, 2006

SF 2252

1 Section 1. Section 600.5, Code 2005, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 7A. Any name by which the petitioner is
4 known or has been known.

5 NEW SUBSECTION. 7B. The existence of any criminal
6 conviction under a law of any state against the petitioner,
7 and the existence of any founded child abuse report in which
8 the petitioner is named.

9 Sec. 2. Section 600.8, subsection 7, Code 2005, is amended
10 to read as follows:

11 7. Any investigation or report required under this section
12 shall not apply when the person to be adopted is an adult or
13 when the prospective adoption petitioner or adoption
14 petitioner is a stepparent of the person to be adopted.
15 However, in the case of a stepparent adoption, the juvenile
16 court or court, upon the request of an interested person or on
17 its own motion stating the reasons therefor of record, may
18 order an investigation or report pursuant to this section.
19 Additionally, if an adoption petitioner discloses a criminal
20 conviction or founded child abuse report pursuant to section
21 600.5, the petitioner shall notify the court of the inclusion
22 of this information in the petition prior to the final
23 adoption hearing, and the court shall make a specific ruling
24 regarding whether to waive any investigation or report
25 required under subsection 1.

26 Sec. 3. Section 600.8, subsection 12, Code 2005, is
27 amended to read as follows:

28 12. Any investigation and report required under subsection
29 ~~1 of this section~~ may be waived by the juvenile court or court
30 if the adoption petitioner is related within the fourth degree
31 of consanguinity to the person to be adopted. However, if an
32 adoption petitioner discloses a criminal conviction or founded
33 child abuse report pursuant to section 600.5, the petitioner
34 shall notify the court of the inclusion of this information in
35 the petition prior to the final adoption hearing, and the

1 court shall make a specific ruling regarding whether to waive
2 any investigation or report required under subsection 1.

3 EXPLANATION

4 This bill relates to adoption petitions and proceedings.
5 The bill requires that in addition to other information
6 required to be stated in an adoption petition, the petitioner
7 is also to state any name by which the petitioner is known or
8 has been known and the existence of any criminal conviction
9 under a law of any state against the petitioner and the
10 existence of any founded child abuse report in which the
11 petitioner is named.

12 With regard to investigations and reports relating to
13 adoption petitions involving a stepparent or relative, the
14 Code provides that such investigations or reports do not apply
15 or may be waived. Under the bill, however, if an adoption
16 petitioner discloses a criminal conviction or founded child
17 abuse report in the petition, the petitioner is to notify the
18 court prior to the final adoption hearing and the court is to
19 make a specific ruling as to whether any investigation or
20 report may be waived.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

1 Section 1. Section 600.5, Code 2005, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 7A. Any name by which the petitioner is
4 known or has been known.

5 NEW SUBSECTION. 7B. The existence of any criminal
6 conviction or deferred judgment for an offense other than a
7 simple misdemeanor under a law of any state against the
8 petitioner, and the existence of any founded child abuse
9 report in which the petitioner is named.

10 Sec. 2. Section 600.8, subsection 7, Code 2005, is amended
11 to read as follows:

12 7. Any investigation or report required under this section
13 shall not apply when the person to be adopted is an adult or
14 when the prospective adoption petitioner or adoption
15 petitioner is a stepparent of the person to be adopted.
16 However, in the case of a stepparent adoption, the juvenile
17 court or court, upon the request of an interested person or on
18 its own motion stating the reasons therefor of record, may
19 order an investigation or report pursuant to this section.
20 Additionally, if an adoption petitioner discloses a criminal
21 conviction or deferred judgment for an offense other than a
22 simple misdemeanor or founded child abuse report pursuant to
23 section 600.5, the petitioner shall notify the court of the
24 inclusion of this information in the petition prior to the
25 final adoption hearing, and the court shall make a specific
26 ruling regarding whether to waive any investigation or report
27 required under subsection 1.

28 Sec. 3. Section 600.8, subsection 12, Code 2005, is
29 amended to read as follows:

30 12. Any investigation and report required under subsection
31 ~~1 of this section~~ may be waived by the juvenile court or court
32 if the adoption petitioner is related within the fourth degree
33 of consanguinity to the person to be adopted. However, if an
34 adoption petitioner discloses a criminal conviction or
35 deferred judgment for an offense other than a simple

1 misdemeanor or founded child abuse report pursuant to section
2 600.5, the petitioner shall notify the court of the inclusion
3 of this information in the petition prior to the final
4 adoption hearing, and the court shall make a specific ruling
5 regarding whether to waive any investigation or report
6 required under subsection 1.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Zawn co-chair
Kreiman co-chair
Ward
Fraise

SSB# 3092
Judiciary
SF/HF 2252

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CO-CHAIRPERSONS KREIMAN
AND MILLER)

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

A BILL FOR

- 1 An Act relating to the information required to be included in an
- 2 adoption petition.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

1 Section 1. Section 600.5, Code 2005, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 7A. Any name by which the petitioner is
4 known or has been known.

5 NEW SUBSECTION. 7B. The existence and disposition of any
6 criminal charges under a law of any state against the
7 petitioner, and the existence and disposition of any reported
8 allegation of child abuse including any record of founded
9 child abuse as defined in section 232.68 in which the
10 petitioner is named in the reported allegation or record as
11 having abused a child.

12 EXPLANATION

13 This bill requires that in addition to other information
14 required to be stated in an adoption petition, the following
15 information shall also be stated by the petitioner: any name
16 by which the petitioner is known or has been known; the
17 existence and disposition of any criminal charges under a law
18 of any state against the petitioner; and the existence and
19 disposition of any reported allegation of child abuse
20 including any record of founded child abuse in which the
21 petitioner is named in the reported allegation or record as
22 having abused a child.

23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2252

AN ACT

RELATING TO ADOPTION PETITIONS AND PROCEEDINGS INCLUDING THE
INFORMATION REQUIRED TO BE INCLUDED IN AN ADOPTION PETITION.

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

Section 1. Section 600.5, Code 2005, is amended by adding
the following new subsections:

NEW SUBSECTION. 7A. Any name by which the petitioner is
known or has been known.

NEW SUBSECTION. 7B. The existence of any criminal
conviction or deferred judgment for an offense other than a
simple misdemeanor under a law of any state against the
petitioner, and the existence of any founded child abuse
report in which the petitioner is named.

Sec. 2. Section 600.8, subsection 7, Code 2005, is amended
to read as follows:

7. Any investigation or report required under this section
shall not apply when the person to be adopted is an adult or
when the prospective adoption petitioner or adoption
petitioner is a stepparent of the person to be adopted.
However, in the case of a stepparent adoption, the juvenile
court or court, upon the request of an interested person or on
its own motion stating the reasons therefor of record, may
order an investigation or report pursuant to this section.
Additionally, if an adoption petitioner discloses a criminal
conviction or deferred judgment for an offense other than a
simple misdemeanor or founded child abuse report pursuant to
section 600.5, the petitioner shall notify the court of the
inclusion of this information in the petition prior to the
final adoption hearing, and the court shall make a specific
ruling regarding whether to waive any investigation or report
required under subsection 1.

Sec. 3. Section 600.8, subsection 12, Code 2005, is
amended to read as follows:

12. Any investigation and report required under subsection
~~1 of this section~~ may be waived by the juvenile court or court
if the adoption petitioner is related within the fourth degree
of consanguinity to the person to be adopted. However, if an
adoption petitioner discloses a criminal conviction or
deferred judgment for an offense other than a simple
misdemeanor or founded child abuse report pursuant to section
600.5, the petitioner shall notify the court of the inclusion
of this information in the petition prior to the final
adoption hearing, and the court shall make a specific ruling
regarding whether to waive any investigation or report
required under subsection 1.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2252, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor