

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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JESSICA MARIE BUNTEMEYER and	)	CASE NO. CV9041
JENNIFER LEE BUNTEMEYER,	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	
IOWA DEPARTMENT OF PUBLIC	)	ANSWER
HEALTH,	)	
	)	
Respondent.	)	

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COMES NOW Respondent Iowa Department of Public Health, by and through Assistant Attorney General Heather L. Adams, and in answer to Petitioners' Petition for Judicial Review, states the following:

**I. PARTIES**

1. In response to paragraph 1 of the Petition, Respondent admits that the Petitioners are both female and that they are married to each other. Respondent further admits that the Petitioners seek a fetal death certificate listing both Petitioners as parents on the certificate of fetal death for the stillborn baby born to Petitioner Jessica Bunte Meyer. Respondent denies Petitioners are entitled to such remedy.

2. Respondent admits the allegations in paragraph 2 of the Petition.

**II. JURISDICTION AND VENUE**

3. Respondent admits the allegations contained in paragraph 3 of the Petition.

**III. FACTS**

4. Respondent denies the allegations in paragraph 4 of the Petition for lack of information.

5. Respondent admits the allegations in paragraph 5 of the Petition.
6. Respondent denies the allegations in paragraphs 6, 7, 8, 9, 10, and 11 of the Petition for lack of information.
7. Respondent admits the allegations in paragraph 12 of the Petition.
8. Respondent denies the allegations in paragraph 13 of the Petition for lack of information.
9. In response to paragraph 14 of the Petition, Respondent admits that Respondent issued the certified copy of the Certificate of Fetal Death contained at Exhibit C; Respondent denies the remainder of the allegations contained in paragraph 14 of the Petition.
10. Respondent denies the allegations in paragraphs 15, 16, 17, and 18 of the Petition for lack of information.
11. Respondent denies the allegations in paragraph 19 of the Petition.

#### **CLAIMS FOR RELIEF**

12. In response to paragraph 20 of the Petition, Respondent incorporates all responses of all previous paragraphs as though set out fully herein.
13. In response to paragraph 21 of the Petition, Respondent admits that the Petitioners are seeking judicial review of Respondent's action; Respondent denies the remaining allegations contained in this paragraph.
14. Respondent denies the allegations in paragraphs 22, 23, and 24 of the Petition.
15. Respondent admits the allegations in paragraph 25 of the Petition.

16. In response to paragraph 26 of the Petition, Respondent admits that the Iowa Code contains the provisions cited by Petitioners; Respondent denies these code sections are applicable in this matter and denies these code sections dictate the remedy sought by Petitioners.

17. Respondent denies the allegations in paragraphs 27 and 28 of the Petition.

18. In response to paragraph 29, Respondent denies that Iowa Code § 144.29 requires Respondent to file a fetal death certificate for all fetal deaths that occur after 20 weeks gestation. Respondent affirmatively states that a funeral director who first assumes custody of a fetus or a physician or other person in attendance at or after the delivery is responsible for filing the fetal death certificate in accordance with Iowa Code § 144.30.

19. Respondent denies the allegations in paragraph 30 of the Petition.

20. Respondent denies the allegations in paragraphs 31, 32, 33, and 34 of the Petition.

21. Respondent admits the allegations in paragraph 35 of the Petition.

22. Respondent denies the allegations in paragraphs 36, 37, 38, 39, 40, 41, 42, and 43 of the Petition.

### **RELIEF SOUGHT**

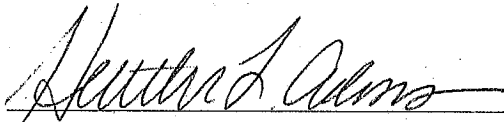
23. In response to paragraph 44 of the Petition, Respondent incorporates all responses of all previous paragraphs as though set out fully herein.

24. Respondent denies the allegations in paragraphs 45, 46, 47, and 48 of the Petition.

WHEREFORE, the Iowa Department of Public Health respectfully requests that Petitioners' Petition for Judicial Review be dismissed, that all costs be assessed to the Petitioners, and that the Court grant other such relief that it deems appropriate.

Respectfully submitted,

THOMAS J. MILLER  
Attorney General of Iowa



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ATTORNEYS FOR PETITIONERS

Proof of Service	
The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on <u>3/26</u> , 2012.	
<input checked="" type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input type="checkbox"/> Electronically	
Signature: _____	<u>R. Dalas</u>