

FILED FEB 29 2006

SENATE FILE 2290  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3093)

Passed Senate, Date 3-7-06 Passed House, Date 3-30-06

Vote: Ayes 50 Nays 0 Vote: Ayes 97 Nays 0

*Re-passed* Approved April 21, 2006  
*4-12-06 49-0*

A BILL FOR

1 An Act relating to the payment of costs of reasonable attorney  
2 fees and other expenses related to certain paternity and  
3 adoption proceedings.

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

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SF 2290

1 Section 1. NEW SECTION. 600B.26 PAYMENT OF ATTORNEY  
2 FEES.

3 In a proceeding to determine custody or visitation, or to  
4 modify a paternity, custody, or visitation order under this  
5 chapter, the court may award the prevailing party reasonable  
6 attorney fees.

7 Sec. 2. 2004 Iowa Acts, chapter 1175, section 139,  
8 subsection 1, paragraph b, is amended to read as follows:

9 b. The general limitation on attorney fees under the  
10 program shall be \$500 per recipient. However, up to an  
11 additional \$200 may be allowed for reasonable court costs and  
12 other related legal expenses.

13 EXPLANATION

14 This bill relates to the awarding and allowance of attorney  
15 fees and other expenses related to proceedings involving  
16 establishment of paternity, determination of custody and  
17 visitation, and modifications of the orders relating to these  
18 proceedings and those expenses related to the adoption subsidy  
19 program. The bill provides that in addition to the existing  
20 provision which allows for the awarding of the reasonable  
21 costs of the suit, including reasonable attorney fees, to the  
22 prevailing party in a proceeding to establish paternity, in a  
23 proceeding to determine custody or visitation, or to modify a  
24 paternity, custody, or visitation order under the chapter  
25 relating to paternity and obligation for support, the court  
26 may award the prevailing party reasonable attorney fees.

27 The bill also provides that under the adoption subsidy  
28 program, in addition to the existing provision which allows  
29 for the payment of reasonable attorney fees up to \$500, up to  
30 an additional \$200 would be allowed for the payment of  
31 reasonable court costs and other related legal expenses.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 2290 - Family Law Attorney Fees (LSB 5233 SV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

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**Description**

Senate File 2290 increases the maximum allowable reimbursement by \$200 per child for payment of reasonable attorney fees and other expenses related to certain paternity and adoption proceedings.

**Background**

Under current law, when a child with special needs is adopted, the adoptive family is expected to absorb legal fees and court costs above \$500.

**Assumptions**

1. In FY 2005, legal fees were paid for an estimated 1,035 children.
2. In FY 2006 to date, legal fees were paid for an estimated 518 children.
3. The federal IV-E match is 50.0% for legal fees.

**Fiscal Impact**

The portion of legal fees that will exceed \$500 cannot be determined. Based on FY 2005 figures, the maximum fiscal impact to the General Fund would be an estimated \$103,500 and a \$103,500 impact on Federal Funds.

**Sources**

Department of Human Services  
Judicial Branch

/s/ Holly M. Lyons

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March 1, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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**SENATE FILE 2290**

**H-8359**

1 Amend Senate File 2290, as passed by the Senate, as  
2 follows:

- 3 1. Page 1, by striking lines 1 through 6.
- 4 2. Title page, line 2, by striking the words
- 5 "paternity and".
- 6 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY

PAULSEN of Linn

**H-8359** FILED MARCH 22, 2006

**HOUSE AMENDMENT TO  
SENATE FILE 2290**

**S-5144**

1 Amend Senate File 2290, as passed by the Senate, as  
2 follows:

- 3 1. Page 1, by striking lines 1 through 6.
- 4 2. Title page, line 2, by striking the words
- 5 "paternity and".
- 6 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

**S-5144** FILED APRIL 3, 2006

Ward co-chair  
Quirmbach co-chair  
Zawn  
Horn

SSB# 3093

Judiciary

SF/ HF 2290

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 \_\_\_\_\_

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

SENATE FILE 2290

AN ACT

RELATING TO THE PAYMENT OF COSTS OF REASONABLE ATTORNEY FEES  
AND OTHER EXPENSES RELATED TO CERTAIN ADOPTION PROCEEDINGS.

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

Section 1. 2004 Iowa Acts, chapter 1175, section 139,  
subsection 1, paragraph b, is amended to read as follows:

b. The general limitation on attorney fees under the  
program shall be \$500 per recipient. However, up to an

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2290, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK  
Governor