

### Regulatory Analysis

Notice of Intended Action to be published: 493—Chapter 14  
“Claims for Attorney Fees in 600A Terminations”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 13B.4(8) and 600A.6(b)(5)  
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 13B.4, 815, and 600A

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

May 6, 2025  
2 p.m.

Via videoconference:  
[meet.google.com/gbm-frju-oxh](https://meet.google.com/gbm-frju-oxh)  
Or dial: (US) +1 563.293.1803  
PIN: 316 603 891#

### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Office of the State Public Defender no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kurt Swaim, First Assistant State Public Defender  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321  
Phone: 515.218.2445  
Email: [kswaim@spd.state.ia.us](mailto:kswaim@spd.state.ia.us)

### *Purpose and Summary*

This proposed rulemaking includes revisions of administrative rules based on the requirements of Executive Order 10. Chapter 14 provides rules for submission, review, and payment of claims for attorney fees in Iowa Code chapter 600A proceedings.

### *Analysis of Impact*

1. **Persons affected by the proposed rulemaking:**
  - **Classes of persons that will bear the costs of the proposed rulemaking:**  
There are no expected additional costs to the State or individuals.
  - **Classes of persons that will benefit from the proposed rulemaking:**  
The Office of the State Public Defender, indigent persons represented by court-appointed attorneys, and contract attorneys will benefit.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
  - **Quantitative description of impact:**  
There are no expected additional costs to the State or individuals. The agency already incurs personnel costs for employees to review claims for other professional services and assist claimants with any issues they may have with their claims. This process has been automated to the extent possible to reduce costs to the agency. Claims for fees are initially paid out of the Indigent Defense Fund and reimbursed by the Judicial Branch.
  - **Qualitative description of impact:**

The rules in this chapter are the vehicle by which legal services are provided to indigent persons in a termination of parental rights case under Iowa Code chapter 600A cases and claimants are paid. By law, these services must be provided, so these rules provide a clear means of doing that equitably. Indigent persons and the attorneys who defend them benefit greatly from the ability to have these resources provided.

3. **Costs to the State:**

• **Implementation and enforcement costs borne by the agency or any other agency:**

There are no expected additional costs to the State. Changes have not been made to this chapter.

• **Anticipated effect on state revenues:**

There is no anticipated effect on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

• **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No viable alternative was identified. The information and process set forth in this chapter are largely driven by existing statute.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

• Establish less stringent compliance or reporting requirements in the rulemaking for small business.

• Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

• Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

• Establish performance standards to replace design or operational standards in the rulemaking for small business.

• Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

There is no expected impact on small business.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 493—Chapter 14 and adopt the following **new** chapter in lieu thereof:

CHAPTER 14  
CLAIMS FOR ATTORNEY FEES IN 600A TERMINATIONS

**493—14.1(13B,600A,815) Scope.** This chapter sets forth specific rules for submission, review and payment of claims for attorney fees in proceedings under Iowa Code chapter 600A. Unless modified in this chapter, the provisions of 493—Chapters 7, 11 and 12 apply to such claims.

**493—14.2(13B,600A,815) Definition.** The following definition applies only to this chapter.

*“Indigent”* means the same as defined in Iowa Code section 600A.2(12).

**493—14.3(13B,600A,815) Hourly rate and fee limitations.** Unless the attorney has a contract with the state public defender that provides for a different rate or manner of payment, claims for attorney fees in a termination of parental rights case under Iowa Code chapter 600A shall be paid the hourly rate consistent with Iowa Code section 815.7 for all other cases. The fee limitation is ten hours for the trial court proceedings and ten hours for appellate proceedings.

**493—14.4(13B,600A,815) Limitations on other charges and expenses.** For appeals, the state public defender shall approve claims for the actual cost of a transcript and printing of necessary briefs. The state public defender shall not approve claims for travel time, paralegal time, or other out-of-pocket expenses at the trial or appellate level.

**493—14.5(13B,600A,815) Claims for attorney fees.** Except as provided in this chapter, claims for attorney fees for representing the respondent in proceedings for termination of parental rights cases under Iowa Code chapter 600A shall be reviewed by the state public defender in the same manner as provided in 493—Chapter 12.

**14.5(1)** Claim forms. Claims for services provided at the trial level shall be submitted on a Juvenile claim form. Claims for services provided on appeal shall be submitted on an Appellate claim form.

**14.5(2)** Required documents. In addition to satisfying the other requirements provided in 493—Chapter 12, the attorney shall submit a copy of both the petitioner’s and respondent’s financial affidavit and any order of the juvenile court determining that the state public defender rather than the petitioner is responsible for payment of the respondent’s attorney fees.

**14.5(3)** The provisions for review of the state public defender’s action provided in 493—Chapter 12 shall apply to claims submitted under this chapter.

**14.5(4)** If the petitioner or prospective parent is responsible for payment of the indigent respondent’s attorney fees and expenses, the state public defender does not receive, review, or pay the fee claim. Any such claim submitted to the state public defender will be returned to the attorney who submitted the claim.

**493—14.6(13B,600A,815) Report to judicial branch.** The state public defender shall submit quarterly to the state court administrator a report detailing all approved and paid attorney fee claims for termination of parental rights cases under Iowa Code chapter 600A.

These rules are intended to implement Iowa Code chapters 13B, 600A, and 815.