

House Amendment 1358

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1 1 Amend House File 683, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by striking line 1.
1 4 #2. Page 1, by inserting after line 16 the
1 5 following:
1 6 <Sec. _____. Section 600A.2, Code 2005, is amended
1 7 by adding the following new subsection:
1 8 NEW SUBSECTION. 10A. "Indigent" means a person
1 9 has an income level at or below one hundred percent of
1 10 the United States poverty level as defined by the most
1 11 recently revised poverty income guidelines published
1 12 by the United States department of health and human
1 13 services, unless the court determines that the person
1 14 is able to pay for the cost of an attorney in the
1 15 pending case. In making the determination of a
1 16 person's ability to pay for the cost of an attorney,
1 17 the court shall consider the person's income and the
1 18 availability of any assets subject to execution,
1 19 including but not limited to cash, stocks, bonds, and
1 20 any other property which may be applied to the
1 21 satisfaction of judgments, and the nature and
1 22 complexity of the case.
1 23 Sec. _____. Section 600A.6, subsection 3, Code 2005,
1 24 is amended by adding the following new paragraph:
1 25 NEW PARAGRAPH. c. A statement that the person
1 26 against whom a proceeding for termination of parental
1 27 rights is brought shall have the right to counsel
1 28 pursuant to section 600A.6A.
1 29 Sec. _____. NEW SECTION. 600A.6A RIGHT TO AND
1 30 APPOINTMENT OF COUNSEL.
1 31 1. Upon the filing of a petition for termination
1 32 of parental rights under this chapter, the parent
1 33 identified in the petition shall have the right to
1 34 counsel in connection with all subsequent hearings and
1 35 proceedings.
1 36 2. If the parent against whom the petition is
1 37 filed desires but is financially unable to employ
1 38 counsel, the court, following an in-court colloquy,
1 39 shall appoint counsel for the person if all of the
1 40 following criteria are met:
1 41 a. The person requests appointment of counsel.
1 42 b. The person is indigent.
1 43 c. The court determines both of the following:
1 44 (1) The person, because of lack of skill or
1 45 education, would have difficulty in presenting the
1 46 person's version of the facts in dispute, particularly
1 47 where the presentation of the facts requires the
1 48 examination or cross-examination of witnesses or the
1 49 presentation of complex documentary evidence.
1 50 (2) The person has a colorable defense to the
2 1 termination of parental rights, or there are
2 2 substantial reasons that make termination of parental
2 3 rights inappropriate.
2 4 Sec. _____. NEW SECTION. 600A.6B PAYMENT OF
2 5 ATTORNEY FEES.
2 6 1. A person filing a petition for termination of
2 7 parental rights under this chapter or the person on
2 8 whose behalf the petition is filed shall be
2 9 responsible for the payment of reasonable attorney
2 10 fees for counsel appointed pursuant to section 600A.6A
2 11 unless the court determines that the person filing the
2 12 petition or the person on whose behalf the petition is
2 13 filed is indigent.
2 14 2. If the person filing the petition or the person
2 15 on whose behalf the petition is filed is indigent, the
2 16 appointed attorney shall be paid reasonable attorney
2 17 fees by the county as determined by the court pursuant
2 18 to section 602.1302.>
2 19 #3. Page 1, by inserting before line 17 the
2 20 following:
2 21 <Sec. _____. Section 602.1302, subsections 3 and 4,
2 22 Code 2005, are amended to read as follows:
2 23 3. A revolving fund is created in the state
2 24 treasury for the payment of jury and witness fees,

2 25 attorney fees, mileage, and costs related to summoning
2 26 jurors by the judicial branch. The judicial branch
2 27 shall deposit any reimbursements to the state for the
2 28 payment of jury and witness fees and mileage in the
2 29 revolving fund. Notwithstanding section 8.33,
2 30 unencumbered and unobligated receipts in the revolving
2 31 fund at the end of a fiscal year do not revert to the
2 32 general fund of the state. The judicial branch shall
2 33 on or before February 1 file a financial accounting of
2 34 the moneys in the revolving fund with the legislative
2 35 services agency. The accounting shall include an
2 36 estimate of disbursements from the revolving fund for
2 37 the remainder of the fiscal year and for the next
2 38 fiscal year.

2 39 4. The judicial branch shall reimburse counties
2 40 for the costs of witness and mileage fees and for
2 41 attorney fees paid pursuant to section ~~232.141,~~
~~2 42 subsection 1 600A.6B from the revolving fund~~
2 43 ~~established in subsection 3.~~>

2 44 #4. Page 4, line 19, by striking the words
2 45 <enactment, and applies> and inserting the following:
2 46 <enactment. The sections of this Act amending chapter
2 47 600A and section 602.1302, apply retroactively to May
2 48 12, 2004, and the remaining sections of this Act
2 49 apply>.

2 50 #5. Title page, line 2, by inserting after the
3 1 word <indigent> the following: <person during a
3 2 termination of parental rights proceeding or an
3 3 indigent>.

3 4 HF 683.S
3 5 jm/cc/26