

Senate Amendment 3066

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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 inserting after line 16 the
1 4 following:
1 5 <Sec. _____. Section 600A.2, Code 2005, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 10A. "Indigent" means a person
1 8 has an income level at or below one hundred percent of
1 9 the United States poverty level as defined by the most
1 10 recently revised poverty income guidelines published
1 11 by the United States department of health and human
1 12 services, unless the court determines that the person
1 13 is able to pay for the cost of an attorney in the
1 14 pending case. In making the determination of a
1 15 person's ability to pay for the cost of an attorney,
1 16 the court shall consider the person's income and the
1 17 availability of any assets subject to execution,
1 18 including but not limited to cash, stocks, bonds, and
1 19 any other property which may be applied to the
1 20 satisfaction of judgments, and the nature and
1 21 complexity of the case.
1 22 Sec. _____. Section 600A.6, subsection 3, Code 2005,
1 23 is amended by adding the following new paragraph:
1 24 NEW PARAGRAPH. c. A statement that the person
1 25 against whom a proceeding for termination of parental
1 26 rights is brought shall have the right to counsel
1 27 pursuant to section 600A.6A.
1 28 Sec. _____. NEW SECTION. 600A.6A RIGHT TO AND
1 29 APPOINTMENT OF COUNSEL.
1 30 1. Upon the filing of a petition for termination
1 31 of parental rights under this chapter, the parent
1 32 identified in the petition shall have the right to
1 33 counsel in connection with all subsequent hearings and
1 34 proceedings.
1 35 2. If the parent against whom the petition is
1 36 filed desires but is financially unable to employ
1 37 counsel, the court, following an in-court colloquy,
1 38 shall appoint counsel for the person if all of the
1 39 following criteria are met:
1 40 a. The person requests appointment of counsel.
1 41 b. The person is indigent.
1 42 c. The court determines both of the following:
1 43 (1) The person, because of lack of skill or
1 44 education, would have difficulty in presenting the
1 45 person's version of the facts in dispute, particularly
1 46 where the presentation of the facts requires the
1 47 examination or cross-examination of witnesses or the
1 48 presentation of complex documentary evidence.
1 49 (2) The person has a colorable defense to the
1 50 termination of parental rights, or there are
2 1 substantial reasons that make termination of parental
2 2 rights inappropriate.
2 3 Sec. _____. NEW SECTION. 600A.6B PAYMENT OF
2 4 ATTORNEY FEES.
2 5 1. A person filing a petition for termination of
2 6 parental rights under this chapter or the person on
2 7 whose behalf the petition is filed shall be
2 8 responsible for the payment of reasonable attorney
2 9 fees for counsel appointed pursuant to section 600A.6A
2 10 unless the court determines that the person filing the
2 11 petition or the person on whose behalf the petition is
2 12 filed is indigent.
2 13 2. If the person filing the petition or the person
2 14 on whose behalf the petition is filed is indigent, the
2 15 appointed attorney shall be paid reasonable attorney
2 16 fees by the county as determined by the court pursuant
2 17 to section 602.1302.
2 18 Sec. _____. Section 602.1302, subsection 4, Code
2 19 2005, is amended to read as follows:
2 20 4. The judicial branch shall reimburse counties
2 21 for the costs of witness and mileage fees and for
2 22 attorney fees paid pursuant to section ~~232.141,~~
2 23 ~~subsection 1 600A.6B.~~>
2 24 #2. Page 4, line 20, by striking the words

2 25 <enactment, and applies> and inserting the following:
2 26 <enactment. The sections of this Act amending chapter
2 27 600A and section 602.1302, apply retroactively to May
2 28 12, 2004, and the remaining sections of this Act
2 29 apply>.
2 30 [#3.](#) Title page, line 2, by inserting after the
2 31 word <indigent> the following: <person during a
2 32 termination of parental rights proceeding or an
2 33 indigent>.
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2 35
2 36 _____
2 37 COMMITTEE ON JUDICIARY
2 38 KEITH A. KREIMAN, CO=CHAIRPERSON
2 39
2 40
2 41 _____
2 42 DAVID MILLER, CO=CHAIRPERSON
2 43 HF 683.302 81
2 44 jm/cf/1246