



SF 2336 – Termination of Parental Rights, Transfers of Guardianship (LSB2640SZ)
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 Fiscal Note Version – New

Description

[Senate File 2336](#) provides for the reinstatement of parental rights following the granting of a termination of parental rights order, under certain circumstances. The Bill provides that a child, the child’s guardian ad litem (GAL), the Department of Human Services (DHS), or an agency or person to whom guardianship and custody of the child has been transferred following termination of the parental rights of a parent, may petition the juvenile court to reinstate the previously terminated parental rights of the child’s former parent if certain circumstances exist.

The Bill also provides for the appointment of a GAL and attorney for the child if the child does not already have a GAL and attorney, at no cost to the child.

Background

Currently, under Iowa Code section [815.11](#), the State Public Defender is authorized to pay for the fees and expenses of a GAL or attorney for an indigent juvenile in a juvenile court proceeding.

Assumptions

It is assumed that the number of reinstatement petitions filed in Iowa will be similar to the number filed in other states that have enacted a similar law.

Fiscal Impact

[Senate File 2336](#) is estimated to have minimal fiscal impact to the Indigent Defense Fund and the DHS. Eighteen states have enacted statutes similar to [SF 2336](#).¹ Since enactment, there have been a small number of reinstatement petitions filed in those states. The table below provides the number of petitions filed in a sampling of states with similar statutes as of September 2016.

Reinstatement Petitions in Other States

State	Year Statute Enacted	Reinstatement Petitions Filed	Reinstatement Petitions Granted
Colorado	2014	5	4
Delaware	2013	4	4
Maine	2011	5	5
Minnesota	2013	20	20
Virginia	2013	6	6
Washington	2007	64	23

¹ Schalick, Meredith, “[The Sky is Not Falling: Lessons and Recommendations from Ten Years of Reinstating Parental Rights](#),” American Bar Association, April 1, 2018.

Sources

American Bar Association
Middleton Center for Children's Rights, Drake University Law School
DHS

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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