



[HF 2459](#) – Adoption, State Public Defender Representation (LSB5549HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2459](#) provides that a local public defender office or designee must represent a party in an adoption proceeding, whether the local public defender office was involved in the termination of the parental rights proceeding, if all the following circumstances apply:

- An adoption proceeding was requested by the party.
- The family income of the party does not exceed 300.0% of the [federal poverty level](#).
- An adoption petition was filed to adopt a child who was the subject of a termination of parental rights proceeding pursuant to Iowa Code chapter [600A](#).

The Bill also provides that a local public defender office or designee must serve as guardian ad litem for a child who was the subject of a termination of parental rights proceeding pursuant to Iowa Code chapter 600A.

Background

Under Iowa Code section [13B.9](#), a local public defender or designee must represent a party who files an adoption petition to adopt a child who was the subject of a termination of parental rights proceeding pursuant to Iowa Code chapter [232](#) in which the local public defender's office was involved. The local public defender's office or designee must also serve as guardian ad litem for each child who was the subject of a termination of parental rights proceeding under the same Iowa Code chapter.

In FY 2023, there were 435 termination filings pursuant to Iowa Code chapter 600A.

Assumptions

- The Office of the State Public Defender estimates that the costs of implementation based on 70.0% (305) of termination of parental rights proceedings under Iowa Code chapter 600A will result in adoption cases requiring a State-funded attorney and guardian ad litem. The expected annual costs to the Indigent Defense Fund would be \$223,000.
- An adoption following a termination of parental rights proceeding requires an estimated 5 hours of attorney time and an estimated 5 hours of guardian ad litem time for a total of 10 billable hours at \$73 per hour.
- There are approximately \$2,000 in additional fees and costs in adoption cases. These fees include home studies, postplacement reports, training, federal and State criminal background checks, and sex offender and abuse registry searches. These fees are paid by the Office of the State Public Defender.

Fiscal Impact

House File 2459 is estimated to increase costs to the Office of the State Public Defender (SPD) by \$833,000 per year. **Figure 1** includes the breakdown of these expenses.

Figure 1 — Estimated Fiscal Impact of HF 2459

Expense	Estimated Number of Cases	Cost Per Case	Total Estimated Expenditure Cost
Attorney Costs for Adoption	305	\$ 365	\$ 111,325
Guardian Ad Litem Costs for Adoption	305	365	111,325
Adoption Fees Paid by SPD	305	2,000	610,000
Total			\$ 832,650

Sources

Office of the State Public Defender
 Iowa Judicial Branch
 Children and Families of Iowa
 Legislative Services Agency

 /s/ Jennifer Acton

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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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