

MAR 7 2003
Place On Calendar

Withdrawn
3/24/03

HOUSE FILE 482
BY COMMITTEE ON JUDICIARY
SF 224 substituted 3/24/03
(SUCCESSOR TO HSB 75)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to appeals filed in child in need of assistance
2 and termination of parental rights proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 482

1 Section 1. Section 232.133, subsection 2, Code 2003, is
2 amended to read as follows:

3 2. Except for appeals from an-order final orders entered
4 in child in need of assistance proceedings or final orders
5 entered pursuant to section 232.117, appellate procedures
6 shall be governed by the same provisions applicable to appeals
7 from the district court. The supreme court may prescribe
8 rules to expedite the resolution of appeals from final orders
9 entered in child in need of assistance proceedings or final
10 orders entered pursuant to section 232.117.

11 Sec. 2. Section 602.4102, subsection 4, Code 2003, is
12 amended to read as follows:

13 4. A party to an appeal decided by the court of appeals
14 may, as a matter of right, file an application with the
15 supreme court for further review.

16 a. An application for further review in an appeal from a
17 child in need of assistance or termination of parental rights
18 proceeding shall not be granted by the supreme court unless
19 filed within ten days following the filing of the decision of
20 the court of appeals.

21 b. An In all other cases, an application for further
22 review shall not be granted by the supreme court unless the
23 application was filed within twenty days following the filing
24 of the decision of the court of appeals.

25 4A. The court of appeals shall extend the time for filing
26 of an application if the court of appeals determines that a
27 failure to timely file an application was due to the failure
28 of the clerk of the court of appeals to notify the prospective
29 applicant of the filing of the decision. If an application
30 for further review is not acted upon by the supreme court
31 within thirty days after the application was filed, the
32 application is deemed denied, the supreme court loses
33 jurisdiction, and the decision of the court of appeals is
34 conclusive.

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EXPLANATION

1 This bill provides that the supreme court may prescribe
2 rules to expedite the time frame for appeals from final orders
3 entered in child in need of assistance proceedings and
4 termination of parental rights.

5 The bill further provides that an application for further
6 review to the Iowa supreme court in an appeal from a child in
7 need of assistance or termination of parental rights
8 proceeding must be filed within 10 days following the filing
9 of the decision of the Iowa court of appeals.

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Heaton, Ch
Hutter
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Succeeded By
SF 482

HSB 75

JUDICIARY

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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2 proceedings.

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8 rules to expedite the resolution of appeals from final orders
9 entered in child in need of assistance proceedings or final
10 orders entered pursuant to section 232.117.

11 EXPLANATION

12 This bill provides that the supreme court may prescribe
13 rules to expedite the time frame for appeals from final orders
14 entered in child in need of assistance proceedings.

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MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: JANUARY 23, 2003

RE: TLSB 1210DP

In 2002, the supreme court adopted rules expediting appeals of termination of parental rights cases. The new rules cut the appellate docketing time in half. For example, notice of appeal from a final order in a termination of parental rights proceeding must be filed within 15 days from the final order as compared to 30 days for appeals of other types of cases. A process that used to take about 13 months, now takes only about 4 months. The supreme court would like to expedite appeals of child in need of assistance cases in a similar manner. The purpose of the proposed amendment to section 232.133 (2) is to provide the supreme court with the authority to do this.