

House File 743 - Introduced

HOUSE FILE 743
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 589)

A BILL FOR

1 An Act providing for representation of adoptive parents by
2 local public defenders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13B.9, subsection 1, paragraph b, Code
2 2021, is amended to read as follows:

3 b. Represent an indigent party, upon order of the court,
4 in child in need of assistance, family in need of assistance,
5 delinquency, and termination of parental rights proceedings
6 pursuant to chapter 232 when designated by the state public
7 defender to represent the indigent party in the type of case
8 for that county. The local public defender shall counsel and
9 represent an indigent party in all proceedings pursuant to
10 chapter 232 to which the local public defender is appointed
11 and prosecute before or after judgment any appeals or other
12 remedies which the local public defender considers to be in
13 the interest of justice unless other counsel is appointed to
14 the case. A local public defender office shall represent in
15 a subsequent adoption proceeding an indigent party who files
16 an adoption petition pursuant to section 600.3 to adopt a
17 child who was the subject of a termination of parental rights
18 proceeding pursuant to chapter 232 in which the local public
19 defender office was involved as provided under this paragraph.
20 If a conflict of interest arises, the representation shall be
21 provided through referral of the indigent party to outside
22 counsel with whom the state public defender has contracted,
23 subject to the fees for legal services incorporated in the
24 contract.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill provides for the representation of certain
29 indigent parties in adoption proceedings.

30 Under current law, a local public defender office shall
31 represent an indigent party, upon order of the court, in
32 child in need of assistance, family in need of assistance,
33 delinquency, and termination of parental rights proceedings
34 pursuant to Code chapter 232 (juvenile justice) when designated
35 by the state public defender to represent the indigent party

1 in the type of case for that county. The bill requires,
2 additionally, that a local public defender office shall
3 represent in a subsequent adoption proceeding an indigent
4 party who files an adoption petition to adopt a child who was
5 the subject of a termination of parental rights proceeding
6 pursuant to Code chapter 232 in which the local public defender
7 office was involved. If a conflict of interest arises, the
8 representation shall be provided through referral of the
9 indigent party to outside counsel with whom the state public
10 defender has contracted, subject to the fees for legal services
11 incorporated in the contract.