

**House File 953 - Introduced**

HOUSE FILE 953  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 373)

**A BILL FOR**

1 An Act relating to legal representation for children who are  
2 placed in, or may be placed in, foster care.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.89, subsection 2, Code 2025, is  
2 amended by striking the subsection and inserting in lieu thereof  
3 the following:

4 2. a. Upon the filing of a petition, the court shall:

5 (1) Appoint counsel for a child identified in the petition as  
6 a party to the proceedings if the child is ten years of age or  
7 older.

8 (2) Appoint counsel and a guardian ad litem for a child  
9 identified in the petition as a party to the proceedings if the  
10 child is younger than ten years of age.

11 b. If counsel has previously been appointed for the child  
12 pursuant to section 232.11, 232.113, or 232.126, or a guardian ad  
13 litem has previously been appointed for the child in a proceeding  
14 under subchapter II or a proceeding in which the court has waived  
15 jurisdiction under section 232.45, the court shall appoint the  
16 same counsel or guardian ad litem upon the filing of the petition  
17 under this part.

18 c. Counsel shall be appointed for a child, subject to the  
19 following:

20 (1) If the child is represented by counsel and the court  
21 determines there is a conflict of interest between the child and  
22 the child's parent, guardian, putative father, or custodian and  
23 that the retained counsel cannot properly represent the child as  
24 a result of the conflict, the court shall appoint other counsel  
25 to represent the child and that counsel shall be compensated  
26 pursuant to section 232.141, subsection 2, paragraph "b".

27 (2) If the child is not represented by counsel, the court  
28 shall either order the parent, guardian, or custodian to retain  
29 counsel for the child, or the court shall appoint counsel for the  
30 child, and the counsel shall be compensated pursuant to section  
31 232.141, subsection 2, paragraph "b".

32 Sec. 2. Section 232.89, subsection 4, Code 2025, is amended  
33 by striking the subsection and inserting in lieu thereof the  
34 following:

35 4. a. If a child is under the age of ten, the same person

1 may serve as the child's counsel and the child's guardian ad  
2 litem. A court may appoint a separate guardian ad litem if  
3 the court finds that the same person cannot adequately represent  
4 the child as the child's counsel while advocating for the best  
5 interests of the child as guardian ad litem in accordance with  
6 section 232.2, subsection 25, paragraph "e". If a child's  
7 guardian ad litem is also acting as the child's counsel, each  
8 report submitted to a court by the guardian ad litem shall  
9 contain a statement indicating whether a separate guardian ad  
10 litem is required based on the child's age or the guardian ad  
11 litem's interviews and investigations conducted up to the time  
12 the report is submitted to the court.

13 b. If a child attains ten years of age while represented by a  
14 guardian ad litem pursuant to this section, the court shall enter  
15 an order discharging the guardian ad litem and appoint counsel  
16 for the child pursuant to the provisions of this section. A  
17 court may appoint a guardian ad litem discharged pursuant to this  
18 subsection as counsel for the child if the person can properly  
19 represent the legal interests of the child.

20 c. An attorney representing multiple children as the  
21 children's counsel, guardian ad litem, or both, may continue  
22 to act in the capacities to which the attorney was appointed,  
23 unless an appointment to represent a child in a specific capacity  
24 presents a conflict of interest between the attorney and a  
25 child the attorney represents or between children the attorney  
26 represents.

27 Sec. 3. Section 232.89, Code 2025, is amended by adding the  
28 following new subsections:

29 NEW SUBSECTION. 5. If a child remains in foster care after  
30 the circumstances which caused the child to be placed in foster  
31 care has resolved, the right to representation pursuant to this  
32 section shall continue until a child is no longer receiving  
33 foster care.

34 NEW SUBSECTION. 6. a. An attorney appointed under this  
35 section as counsel for a child shall perform the duties of a

1 guardian ad litem as described in section 232.2, subsection 25,  
2 paragraph "b", subparagraphs (1), (2), (3), (4), (6), (7), and  
3 (9).

4 b. An attorney appointed under this section as counsel for  
5 a child shall not be required to submit written reports to the  
6 court as described in section 232.2, subsection 25, paragraph  
7 "b", subparagraph (8).

8 c. An attorney appointed under this section as counsel for a  
9 child, to the extent not prohibited by state or federal law, is  
10 authorized to do all of the following:

11 (1) Interview persons relevant to the matter, including but  
12 not limited to persons providing medical, social, mental health,  
13 educational, or other services to the child.

14 (2) Inspect and copy records relevant to the matter,  
15 including but not limited to health, mental health, education,  
16 and court records.

17 (3) Attend department meetings, case conferences, and  
18 meetings with medical professionals, mental health professionals,  
19 education providers, or persons providing other services to the  
20 child.

21 Sec. 4. Section 232.113, subsection 2, Code 2025, is amended  
22 by striking the subsection and inserting in lieu thereof the  
23 following:

24 2. a. Upon the filing of a petition, the court shall:

25 (1) Appoint counsel for a child identified in the petition as  
26 a party to the proceedings if the child is ten years of age or  
27 older.

28 (2) Appoint counsel and a guardian ad litem for a child  
29 identified in the petition as a party to the proceedings if the  
30 child is younger than ten years of age.

31 b. If counsel has previously been appointed for the child  
32 pursuant to section 232.11, 232.89, or 232.126, or a guardian ad  
33 litem has previously been appointed for the child in a proceeding  
34 under subchapter II or a proceeding in which the court has waived  
35 jurisdiction under section 232.45, the court shall appoint the

1 same counsel or guardian ad litem upon the filing of the petition  
2 under this part.

3 c. Counsel shall be appointed for a child, subject to the  
4 following:

5 (1) If the child is represented by counsel and the court  
6 determines there is a conflict of interest between the child and  
7 the child's parent, guardian, putative father, or custodian and  
8 that the retained counsel cannot properly represent the child as  
9 a result of the conflict, the court shall appoint other counsel  
10 to represent the child and that counsel shall be compensated  
11 pursuant to section 232.141, subsection 2, paragraph "b".

12 (2) If the child is not represented by counsel, the court  
13 shall either order the parent, guardian, or custodian to retain  
14 counsel for the child, or the court shall appoint counsel for the  
15 child, and that counsel shall be compensated pursuant to section  
16 232.141, subsection 2, paragraph "b".

17 Sec. 5. Section 232.113, Code 2025, is amended by adding the  
18 following new subsections:

19 NEW SUBSECTION. 3. a. If a child is under the age of ten,  
20 the same person may serve as the child's counsel and the child's  
21 guardian ad litem. A court may appoint a separate guardian ad  
22 litem if the court finds that the same person cannot adequately  
23 represent the child as the child's counsel while advocating  
24 for the best interests of the child as guardian ad litem in  
25 accordance with section 232.2, subsection 25, paragraph "e".  
26 If a child's guardian ad litem is also acting as the child's  
27 counsel, each report submitted to a court by the guardian ad  
28 litem shall contain a statement indicating whether a separate  
29 guardian ad litem is required based on the child's age or the  
30 guardian ad litem's interviews and investigations conducted up to  
31 the time the report is submitted to the court.

32 b. If a child attains ten years of age while represented by a  
33 guardian ad litem pursuant to this section, the court shall enter  
34 an order discharging the guardian ad litem and appoint counsel  
35 for the child pursuant to the provisions of this section. A

1 court may appoint a guardian ad litem discharged pursuant to this  
2 subsection as counsel for the child if the person can properly  
3 represent the legal interests of the child.

4 c. An attorney representing multiple children as the  
5 children's counsel, guardian ad litem, or both, may continue  
6 to act in the capacities to which the attorney was appointed,  
7 unless an appointment to represent a child in a specific capacity  
8 presents a conflict of interest between the attorney and a  
9 child the attorney represents or between children the attorney  
10 represents.

11 NEW SUBSECTION. 4. If a child remains in foster care after  
12 the circumstances which caused the child to be placed in foster  
13 care has resolved, the right to representation pursuant to this  
14 section shall continue until a child is no longer receiving  
15 foster care.

16 NEW SUBSECTION. 5. a. An attorney appointed under this  
17 section as counsel for a child shall perform the duties of a  
18 guardian ad litem as described in section 232.2, subsection 25,  
19 paragraph "b", subparagraphs (1), (2), (3), (4), (6), (7), and  
20 (9).

21 b. An attorney appointed under this section as counsel for  
22 a child shall not be required to submit written reports to the  
23 court as described in section 232.2, subsection 25, paragraph  
24 "b", subparagraph (8).

25 c. An attorney appointed under this section as counsel for a  
26 child, to the extent not prohibited by state or federal law, is  
27 authorized to do all of the following:

28 (1) Interview persons relevant to the matter, including but  
29 not limited to persons providing medical, social, mental health,  
30 educational, or other services to the child.

31 (2) Inspect and copy records relevant to the matter,  
32 including but not limited to health, mental health, education,  
33 and court records.

34 (3) Attend department meetings, case conferences, and  
35 meetings with medical professionals, mental health professionals,

1 education providers, or persons providing other services to the  
2 child.

3 Sec. 6. Section 232.126, subsection 1, Code 2025, is amended  
4 by striking the subsection and inserting in lieu thereof the  
5 following:

6 1. a. Upon the filing of a petition, the court shall:

7 (1) Appoint counsel for a child identified in the petition as  
8 a party to the proceedings if the child is ten years of age or  
9 older.

10 (2) Appoint counsel and a guardian ad litem for a child  
11 identified in the petition as a party to the proceedings if the  
12 child is younger than ten years of age.

13 b. If counsel has previously been appointed for the child  
14 pursuant to section 232.11, 232.89, or 232.113, or a guardian ad  
15 litem has previously been appointed for the child in a proceeding  
16 under subchapter II or a proceeding in which the court has waived  
17 jurisdiction under section 232.45, the court shall appoint the  
18 same counsel or guardian ad litem upon the filing of the petition  
19 under this part.

20 c. Counsel shall be appointed for a child, subject to the  
21 following:

22 (1) If the child is represented by counsel and the court  
23 determines there is a conflict of interest between the child and  
24 the child's parent, guardian, putative father, or custodian and  
25 that the retained counsel cannot properly represent the child as  
26 a result of the conflict, the court shall appoint other counsel  
27 to represent the child and that counsel shall be compensated  
28 pursuant to section 232.141, subsection 2, paragraph "b".

29 (2) If the child is not represented by counsel, the court  
30 shall either order the parent, guardian, or custodian to retain  
31 counsel for the child, or the court shall appoint counsel for the  
32 child, and that counsel shall be compensated pursuant to section  
33 232.141, subsection 2, paragraph "b".

34 Sec. 7. Section 232.126, Code 2025, is amended by adding the  
35 following new subsections:

1     NEW SUBSECTION. 3. a. If a child is under the age of ten,  
2 the same person may serve as the child's counsel and the child's  
3 guardian ad litem. A court may appoint a separate guardian ad  
4 litem if the court finds that the same person cannot adequately  
5 represent the child as the child's counsel while advocating  
6 for the best interests of the child as guardian ad litem in  
7 accordance with section 232.2, subsection 25, paragraph "e".  
8 If a child's guardian ad litem is also acting as the child's  
9 counsel, each report submitted to a court by the guardian ad  
10 litem shall contain a statement indicating whether a separate  
11 guardian ad litem is required based on the child's age or the  
12 guardian ad litem's interviews and investigations conducted up to  
13 the time the report is submitted to the court.

14     b. If a child attains ten years of age while represented by a  
15 guardian ad litem pursuant to this section, the court shall enter  
16 an order discharging the guardian ad litem and appoint counsel  
17 for the child pursuant to the provisions of this section. A  
18 court may appoint a guardian ad litem discharged pursuant to this  
19 subsection as counsel for the child if the person can properly  
20 represent the legal interests of the child.

21     c. An attorney representing multiple children as the  
22 children's counsel, guardian ad litem, or both, may continue  
23 to act in the capacities to which the attorney was appointed,  
24 unless an appointment to represent a child in a specific capacity  
25 presents a conflict of interest between the attorney and a  
26 child the attorney represents or between children the attorney  
27 represents.

28     NEW SUBSECTION. 4. If a child remains in foster care after  
29 the circumstances which caused the child to be placed in foster  
30 care has resolved, the right to representation pursuant to this  
31 section shall continue until a child is no longer receiving  
32 foster care.

33     NEW SUBSECTION. 5. a. An attorney appointed under this  
34 section as counsel for a child shall perform the duties of a  
35 guardian ad litem as described in section 232.2, subsection 25,

1 paragraph "b", subparagraphs (1), (2), (3), (4), (6), (7), and  
2 (9).

3 b. An attorney appointed under this section as counsel for  
4 a child shall not be required to submit written reports to the  
5 court as described in section 232.2, subsection 25, paragraph  
6 "b", subparagraph (8).

7 c. An attorney appointed under this section as counsel for a  
8 child, to the extent not prohibited by state or federal law, is  
9 authorized to do all of the following:

10 (1) Interview persons relevant to the matter, including but  
11 not limited to persons providing medical, social, mental health,  
12 educational, or other services to the child.

13 (2) Inspect and copy records relevant to the matter,  
14 including but not limited to health, mental health, education,  
15 and court records.

16 (3) Attend department meetings, case conferences, and  
17 meetings with medical professionals, mental health professionals,  
18 education providers, or persons providing other services to the  
19 child.

20 EXPLANATION

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

23 This bill relates to legal representation for children who are  
24 placed in, or may be placed in, foster care.

25 The bill requires a court to appoint counsel for a child 10  
26 years of age or older when the child is identified in a child  
27 in need of assistance (CINA) petition as a party to the CINA  
28 proceedings.

29 The bill requires a court to appoint counsel and a guardian ad  
30 litem (GAL) for a child below 10 years of age when the child is  
31 identified in a CINA petition as a party to the CINA proceedings.

32 If a child identified in a CINA petition already has  
33 counsel in a juvenile delinquency matter or parental termination  
34 proceeding, or a GAL has previously been appointed for the child  
35 in a juvenile delinquency proceeding or a matter involving a

1 public offense in which the court has waived jurisdiction, the  
2 bill requires the court to appoint the same counsel or GAL upon  
3 the filing of the CINA petition.

4 The bill requires a court to appoint alternate counsel to  
5 represent a child if the child is represented by counsel and  
6 the court determines there is a conflict of interest between  
7 the child and the child's parent, guardian, putative father, or  
8 custodian and that the retained counsel cannot properly represent  
9 the child as a result of the conflict.

10 When appointing counsel for a child in a CINA proceeding,  
11 the bill requires a court to either order the parent, guardian,  
12 or custodian to retain counsel for the child, or counsel be  
13 appointed for the child.

14 The bill requires a court to discharge the GAL for a child  
15 in a CINA proceeding and appoint counsel for the child upon  
16 the child attaining 10 years of age. A discharged GAL may  
17 be appointed counsel for a child if the person can properly  
18 represent the legal interests of the child.

19 The bill allows an attorney representing multiple children  
20 as the children's counsel, GAL, or both, to continue to act in  
21 the capacities to which the attorney was appointed unless an  
22 appointment to represent a child in a specific capacity presents  
23 a conflict of interest between the attorney and a child the  
24 attorney represents or between children the attorney represents.

25 The bill requires an attorney appointed as counsel for a child  
26 to perform certain duties listed in the bill that are required of  
27 a GAL. The attorney is specifically exempted from making reports  
28 that a GAL would be required to make. The bill authorizes an  
29 attorney appointed as counsel for a child to perform several  
30 actions as detailed in the bill.

31 If a child remains in foster care after the circumstances  
32 which caused the child to be placed in foster care has resolved,  
33 the bill continues a child's right to legal representation until  
34 the child is no longer in foster care.

35 The bill contains similar provisions relating to the

1 appointment of counsel or a GAL for a child in termination of  
2 parental rights proceedings and in family in need of assistance  
3 proceedings.

4 The bill requires the county to make reasonable compensation  
5 for an attorney appointed under the bill.

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