

House File 2474 - Reprinted

HOUSE FILE 2474
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2113)

(As Amended and Passed by the House March 14, 2022)

A BILL FOR

1 An Act relating to adoption proceedings by providing for
2 representation of adoptive parents and guardians ad litem
3 by local public defenders for children in certain adoption
4 proceedings and modifying filing requirements for adoption
5 petitions and notice requirements for adoption hearings of
6 adults.

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

1 Section 1. Section 13B.9, subsection 1, paragraphs b and c,
2 Code 2022, are 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 or designee shall
15 represent in a subsequent adoption proceeding ~~an indigent a~~
16 party including a nonindigent party who files an adoption
17 petition pursuant to [section 600.3](#) to adopt a child who was the
18 subject of a termination of parental rights proceeding pursuant
19 to [chapter 232](#) in which the local public defender office was
20 involved as provided under this paragraph. If a conflict of
21 interest arises, the representation shall be provided through
22 referral of the ~~indigent~~ party to outside counsel with whom the
23 state public defender has contracted, subject to the fees for
24 legal services incorporated in the contract.

25 c. Serve as guardian ad litem for each child in all cases
26 in which the local public defender office is the state public
27 defender's designee. The local public defender shall be
28 responsible for determining who shall perform the duties of
29 the guardian ad litem as defined in [section 232.2](#) and shall
30 be responsible for assuring the court that the duties of the
31 guardian ad litem have been fulfilled. A local public defender
32 office or designee shall serve as guardian ad litem for each
33 child in a subsequent adoption proceeding pursuant to section
34 600.3 to adopt a child who was the subject of a termination of
35 parental rights proceeding pursuant to chapter 232 in which

1 the local public defender office was involved as provided
2 under this paragraph. If a conflict of interest arises, the
3 representation shall be provided through retention of outside
4 counsel to serve as guardian ad litem for the child with whom
5 the state public defender has contracted, subject to the fees
6 for guardian ad litem services incorporated in the contract.

7 Sec. 2. Section 600.6, subsection 1, Code 2022, is amended
8 to read as follows:

9 1. A certified copy of the birth certificate showing
10 parentage of the person to be adopted or, if such certificate
11 is not available, a verified birth record. The department
12 of human services shall provide a certified copy of a birth
13 certificate to the person adopting a child when the department
14 of human services is the guardian of the child.

15 Sec. 3. Section 600.11, Code 2022, is amended to read as
16 follows:

17 **600.11 Notice of adoption hearing.**

18 1. The juvenile court or court shall set the time and place
19 of the adoption hearing prescribed in [section 600.12](#) upon
20 application of the petitioner. The juvenile court or court
21 may continue the adoption hearing if the notice prescribed in
22 subsections 2 and ~~3~~ 4 or subsections 3 and 4, as applicable, is
23 given, except that such notice shall only be given at least ten
24 days prior to the date which has been set for the continuation
25 of the adoption hearing.

26 2. a. ~~At~~ Unless the person to be adopted is an adult and
27 subsection 3 is applicable, at least twenty days before the
28 adoption hearing, a copy of the petition and its attachments
29 and a notice of the adoption hearing shall be given by the
30 adoption petitioner to all of the following:

31 (1) A guardian, guardian ad litem if appointed for the
32 adoption proceedings, and custodian of, and a person in a
33 parent-child relationship with the person to be adopted. This
34 subparagraph does not require notice to be given to a person
35 whose parental rights have been terminated with regard to the

1 person to be adopted.

2 (2) The person to be adopted who is an adult.

3 (3) Any person who is designated to make an investigation
4 and report under section 600.8.

5 (4) Any other person who is required to consent under
6 section 600.7.

7 (5) A person who has been granted visitation rights with the
8 child to be adopted pursuant to section 600C.1.

9 (6) A person who is ordered to pay support or a
10 postsecondary education subsidy pursuant to [section 598.21F](#),
11 or [chapter 234, 252A, 252C, 252F, 598, 600B](#), or any other
12 chapter of the Code, for a person eighteen years of age or
13 older who is being adopted by a stepparent, and the support
14 order or order requires payment of support or postsecondary
15 education subsidy for any period of time after the child
16 reaches eighteen years of age.

17 *b.* Nothing in [this subsection](#) shall require the petitioner
18 to give notice to self or to petitioner's spouse. A duplicate
19 copy of the petition and its attachments shall be mailed to the
20 department by the clerk of court at the time the petition is
21 filed.

22 3. If the person to be adopted is an adult, at least twenty
23 days before the adoption hearing, a copy of the petition and
24 its attachments and a notice of the adoption hearing shall be
25 given by the adoption petitioner to the person to be adopted
26 and any other person who is required to consent to the adoption
27 under section 600.7.

28 4. A notice of the adoption hearing shall state the time,
29 place, and purpose of the hearing and shall be served in
30 accordance with [rule of civil procedure 1.305](#). Proof of the
31 giving of notice shall be filed with the juvenile court or
32 court prior to the adoption hearing. Acceptance of service by
33 the party being given notice shall satisfy the requirements of
34 this subsection.