HOUSE FILE 2474
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2113)

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

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act [relating to adoption proceedings by] providing for representation of adoptive parents and guardians ad litem by local public defenders for children in certain adoption proceedings [and modifying filing requirements for adoption petitions and notice requirements for adoption hearings of adults].

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

Section 1. Section 13B.9, subsection 1, paragraphs b and c, Code 2022, are amended to read as follows:

b. Represent [an indigent] party, upon order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 when designated by the state public defender to represent the [indigent] party in the type of case for that county. The local public defender shall counsel and represent [an indigent] party in all proceedings pursuant to chapter 232 to which the local public defender is appointed and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless other counsel is appointed to the case. A local public defender office [or designee] shall represent in a subsequent adoption proceeding ~~an indigent~~ a party [including a nonindigent party] who files an adoption petition pursuant to section 600.3 to adopt a child who was the subject of a termination of parental rights proceeding pursuant to chapter 232 in which the local public defender office was involved as provided under this paragraph. If a conflict of interest arises, the representation shall be provided through referral of the ~~indigent~~ party to outside counsel with whom the state public defender has contracted, subject to the fees for legal services incorporated in the contract.

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

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

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

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

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

600.11 Notice of adoption hearing.

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

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

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

person to be adopted.

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

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

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

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

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

b. Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.

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

4. A notice of the adoption hearing shall state the time, place, and purpose of the hearing and shall be served in accordance with rule of civil procedure 1.305. Proof of the giving of notice shall be filed with the juvenile court or court prior to the adoption hearing. Acceptance of service by the party being given notice shall satisfy the requirements of this subsection.]