

CHAPTER 105
PARENTAL RIGHTS
H.F. 471

AN ACT relating to parental rights, including the payment of reasonable attorney fees in juvenile court or appellate proceedings relating to a termination of parental rights petition and the awarding of visitation when a history of crimes against a minor is involved, and including effective, retroactive, and applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 598.41A, Code 2013, is amended to read as follows:

598.41A Visitation — history of crimes against a minor.

1. Notwithstanding section 598.41, the court shall consider, in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a sex offense against a minor as defined in section 692A.101.

2. Notwithstanding section 598.41, an individual who is a parent of a minor child and who has been convicted of a sex offense against a minor as defined in section 692A.101, is not entitled to visitation rights while incarcerated. While on probation, parole, or any other type of conditional release including a special sentence for such offense, visitation shall be denied until the parent successfully completes a treatment program approved by the court, if required by the court. The circumstances described in this subsection shall be considered a substantial change in circumstances.

Sec. 2. Section 600A.6B, Code 2013, is amended to read as follows:

600A.6B Payment of attorney fees.

1. A person filing a petition for termination of parental rights under this chapter or the person on whose behalf the petition is filed shall be responsible for the payment of reasonable attorney fees for services provided by counsel appointed pursuant to section 600A.6A in juvenile court or in an appellate proceeding initiated by the person filing the petition unless the person filing the petition is a private child-placing agency as defined in section 238.1 or unless the court determines that the person filing the petition or the person on whose behalf the petition is filed is indigent.

2. If the person filing the petition is a private child-placing agency as defined in section 238.1 or if the person filing the petition or the person on whose behalf the petition is filed is indigent, the appointed attorney shall be paid reasonable attorney fees for services provided in juvenile court or an appellate proceeding as determined by the state public defender.

3. If the parent against whom the petition is filed appeals a termination order under section 600A.9, subsection 1, paragraph "b", the person who filed the petition or the person on whose behalf the petition is filed shall not be responsible for the payment of attorney fees for services provided by counsel appointed pursuant to section 600A.6A in the appellate proceeding. Instead, the appointed attorney shall be paid reasonable attorney fees as determined by the state public defender from the indigent defense fund established pursuant to section 815.11.

3. 4. The state public defender shall review all the claims submitted under this section and shall have the same authority with regard to the payment of these claims as the state public defender has with regard to claims submitted under chapters 13B and 815, including the authority to adopt rules concerning the review and payment of claims submitted.

Sec. 3. **EFFECTIVE UPON ENACTMENT.** The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 598.41A.

Sec. 4. **RETROACTIVE APPLICABILITY.** The following provision or provisions of this Act apply retroactively to an order or decree involving child custody or visitation issued on or after July 1, 2000:

1. The section of this Act amending section 598.41A.

Approved May 15, 2013