

## CHAPTER 1112

### TERMINATION OF PARENTAL RIGHTS PROCEEDINGS — PAYMENT OF FEES

H.F. 2403

AN ACT relating to responsibility for payment of fees relating to termination of parental rights proceedings.

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

Section 1. [Section 600A.2, subsection 12](#), Code 2024, is amended to read as follows:

12. *a.* “Indigent” means a any of the following:

(1) A person has an income level at or below one hundred twenty-five percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, ~~unless the court determines that the person is able to pay for the cost of an attorney in the pending case.~~

(2) A person has an income level greater than one hundred twenty-five percent but at or below two hundred percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, and the court makes a written finding that not appointing an attorney would create a substantial hardship.

*b.* In making the determination of a person’s ability to pay for the cost of an attorney or a guardian ad litem, the court shall consider the person’s income and the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the satisfaction of judgments, and the nature and complexity of the case.

Sec. 2. [Section 600A.5, subsection 3](#), Code 2024, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* If the petitioner intends to access public funds for the fees of the guardian ad litem or the respondent’s attorney fees, an attached financial affidavit, signed under penalty of perjury, reflecting the household income and family size of the petitioner.

Sec. 3. NEW SECTION. **600A.11 Payment of services of guardian ad litem.**

1. A person filing a petition for termination of parental rights under [this chapter](#) shall be responsible for the payment of reasonable fees for services provided by a guardian ad litem appointed pursuant to [section 600A.6](#) 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 licensed under [chapter 238](#) or the court determines that the person filing the petition is indigent.

2. If the person filing the petition is a private child-placing agency licensed under [chapter 238](#) or if the person filing the petition is indigent, the prospective parent on whose behalf the petition is filed shall be responsible for the payment of reasonable fees for services provided in juvenile court or an appellate proceeding for a guardian ad litem appointed pursuant to [section 600A.6](#) unless the court determines that the prospective parent on whose behalf the petition is filed is indigent.

3. If the prospective parent on whose behalf the petition is filed is indigent, and if the person filing the petition is indigent or a private child-placing agency licensed under [chapter 238](#), the appointed guardian ad litem shall be paid reasonable fees as determined by the state public defender from the indigent defense fund established in [section 815.11](#).

4. The state public defender shall review all the claims submitted under [subsection 2 or 3](#) 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. 4. [Section 815.11, subsection 1](#), Code 2024, is amended to read as follows:

1. Costs incurred for legal representation by a court-appointed attorney under [chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph “d”, or section 598.23A,](#)

[600A.6B](#), [814.9](#), [814.10](#), [814.11](#), [815.4](#), [815.7](#), or [815.10](#), or for payment of the services of a court-appointed guardian ad litem under [section 600A.11, subsection 3](#), on behalf of an indigent shall be paid from moneys appropriated by the general assembly to the office of the state public defender in the department of inspections, appeals, and licensing and deposited in an account to be known as the indigent defense fund, except as provided in [subsection 2](#). Costs incurred representing an indigent defendant in a contempt action, representing an indigent juvenile in a juvenile court proceeding, or representing a person pursuant to [section 13B.13](#) are also payable from the fund. However, costs incurred in any administrative proceeding or in any other proceeding under [this chapter](#) or [chapter 598, 600, 600A, 633, 633A, 814, or 915](#) or other provisions of the Code or administrative rules are not payable from the fund.

Sec. 5. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to transfer [section 600A.6C, Code 2024](#), to section 600A.6D.
2. The Code editor is directed to transfer [section 600A.11](#), as enacted in this Act, to section 600A.6C.
3. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Approved May 1, 2024