

MAR 7 2006  
Place On Calendar

HOUSE FILE 2672  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2452)

Passed House, Date 3-20-06 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 97 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved April 20, 2006

A BILL FOR

1 An Act relating to payment of attorney fees in termination of  
2 parental rights proceedings, providing an effective date, and  
3 providing for retroactive applicability.

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

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HF 2672

1 Section 1. Section 600A.6B, subsections 1 and 2, Code  
2 Supplement 2005, are amended to read as follows:

3 1. A person filing a petition for termination of parental  
4 rights under this chapter or the person on whose behalf the  
5 petition is filed shall be responsible for the payment of  
6 reasonable attorney fees for counsel appointed pursuant to  
7 section 600A.6A unless the person filing the petition is a  
8 private child-placing agency as defined in section 238.2 or  
9 unless the court determines that the person filing the  
10 petition or the person on whose behalf the petition is filed  
11 is indigent.

12 2. If the person filing the petition or the person on  
13 whose behalf the petition is filed is indigent or unless the  
14 person filing the petition is a private child-placing agency  
15 as defined in section 238.2, the appointed attorney shall be  
16 paid reasonable attorney fees as determined by the state  
17 public defender.

18 Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.  
19 This Act, being deemed of immediate importance, takes effect  
20 upon enactment and is retroactively applicable to March 12,  
21 2004.

22 EXPLANATION

23 This bill relates to the responsibility for payment of  
24 counsel appointed in termination of parental rights  
25 proceedings under Code chapter 600A. The bill provides that  
26 if the person filing the petition for termination of parental  
27 rights is a private child placing agency, the private child  
28 placing agency is exempt from responsibility for the payment  
29 of appointed counsel and the appointed attorney will be paid  
30 reasonable attorney fees as determined by the state public  
31 defender.

32 The bill takes effect upon enactment, and is retroactively  
33 applicable to March 12, 2004, which is the date the Iowa  
34 supreme court decision in In re S.A.J.B., 679 N.W.2d 645 (Iowa  
35 2004), was filed. In that case the Iowa supreme court held,

1 on equal protection grounds, that if an indigent parent has  
2 the right to counsel at public expense in involuntary  
3 termination of parental rights proceedings under Code chapter  
4 232, the same right should be afforded such parents in  
5 proceedings brought under Code chapter 600A.

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HOUSE FILE 2672

H-8164

1 Amend House File 2672 as follows:

2 1. Page 1, by striking lines 12 through 17 and  
3 inserting the following:

4 "2. If the person filing the petition is a private  
5 child-placing agency as defined in section 238.2 or if  
6 the person filing the petition or the person on whose  
7 behalf the petition is filed is indigent, the  
8 appointed attorney shall be paid reasonable attorney  
9 fees as determined by the state public defender."

By ROBERTS of Carroll

H-8164 FILED MARCH 9, 2006

HOUSE FILE 2672

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2452)

(As Amended and Passed by the House March 20, 2006)

Passed House, Date \_\_\_\_\_ Passed Senate, Date 4-6-06  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 50 Nays 0  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to payment of attorney fees in termination of  
2 parental rights proceedings, providing an effective date, and  
3 providing for retroactive applicability.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 600A.6B, subsections 1 and 2, Code  
2 Supplement 2005, are amended to read as follows:

3 1. A person filing a petition for termination of parental  
4 rights under this chapter or the person on whose behalf the  
5 petition is filed shall be responsible for the payment of  
6 reasonable attorney fees for counsel appointed pursuant to  
7 section 600A.6A unless the person filing the petition is a  
8 private child-placing agency as defined in section 238.2 or  
9 unless the court determines that the person filing the  
10 petition or the person on whose behalf the petition is filed  
11 is indigent.

12 2. If the person filing the petition is a private child-  
13 placing agency as defined in section 238.2 or if the person  
14 filing the petition or the person on whose behalf the petition  
15 is filed is indigent, the appointed attorney shall be paid  
16 reasonable attorney fees as determined by the state public  
17 defender.

18 Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.  
19 This Act, being deemed of immediate importance, takes effect  
20 upon enactment and is retroactively applicable to March 12,  
21 2004.

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Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.  
This Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to March 12, 2004.

HOUSE FILE 2672

AN ACT

RELATING TO PAYMENT OF ATTORNEY FEES IN TERMINATION OF PARENTAL RIGHTS PROCEEDINGS, PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR RETROACTIVE APPLICABILITY.

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

Section 1. Section 600A.6B, subsections 1 and 2, Code Supplement 2005, are amended to read as follows:

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 counsel appointed pursuant to section 600A.6A unless the person filing the petition is a private child-placing agency as defined in section 238.2 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 238.2 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 as determined by the state public defender.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2672, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK  
Governor