

Fiscal Note



Fiscal Services Division

<u>HF 2459</u> – Adoption, State Public Defender Representation (LSB5549HV) Staff Contact: Molly Kilker (515.725.1286) <u>molly.kilker@legis.iowa.gov</u> Fiscal Note Version – New

Description

House File 2459 provides that a local public defender office or designee must represent a party in an adoption proceeding, whether the local public defender office was involved in the termination of the parental rights proceeding, if all the following circumstances apply:

- An adoption proceeding was requested by the party.
- The family income of the party does not exceed 300.0% of the federal poverty level.
- An adoption petition was filed to adopt a child who was the subject of a termination of parental rights proceeding pursuant to Iowa Code chapter 600A.

The Bill also provides that a local public defender office or designee must serve as guardian ad litem for a child who was the subject of a termination of parental rights proceeding pursuant to lowa Code chapter 600A.

Background

Under lowa Code section 13B.9, a local public defender or designee must represent a party who files an adoption petition to adopt a child who was the subject of a termination of parental rights proceeding pursuant to lowa Code chapter 232 in which the local public defender's office was involved. The local public defender's office or designee must also serve as guardian ad litem for each child who was the subject of a termination of parental rights proceeding under the same lowa Code chapter.

In FY 2023, there were 435 termination filings pursuant to Iowa Code chapter 600A.

Assumptions

- The Office of the State Public Defender estimates that the costs of implementation based on 70.0% (305) of termination of parental rights proceedings under Iowa Code chapter 600A will result in adoption cases requiring a State-funded attorney and guardian ad litem. The expected annual costs to the Indigent Defense Fund would be \$223,000.
- An adoption following a termination of parental rights proceeding requires an estimated 5 hours of attorney time and an estimated 5 hours of guardian ad litem time for a total of 10 billable hours at \$73 per hour.
- There are approximately \$2,000 in additional fees and costs in adoption cases. These fees include home studies, postplacement reports, training, federal and State criminal background checks, and sex offender and abuse registry searches. These fees are paid by the Office of the State Public Defender.

Fiscal Impact

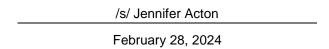
House File 2459 is estimated to increase costs to the Office of the State Public Defender (SPD) by \$833,000 per year. **Figure 1** includes the breakdown of these expenses.

Figure 1 — Estimated Fiscal Impact of HF 2459

| Expense | Estimated Number of Cases | Cost Per Case | al Estimated enditure Cost |
|--------------------------------------|---------------------------|------------------|-------------------------------|
| Attorney Costs for Adoption | 305 | \$ 365 | \$ 111,325 |
| Guardian Ad Litem Costs for Adoption | 305 | 365 | 111,325 |
| Adoption Fees Paid by SPD | 305 | 2,000 | 610,000 |
| Total | | | \$ 832,650 |

Sources

Office of the State Public Defender lowa Judicial Branch Children and Families of Iowa Legislative Services Agency



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The fiscal note for this Bill was prepared pursuant to <u>Joint Rule 17</u> and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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