

In the Supreme Court of Iowa

**In the Matter of Amendments)
to the Iowa Court Rules—) **Supervisory Order**
Forms Regarding Appointment)
of Counsel)**

Pursuant to this court’s supervisory and administrative authority under Iowa Code section 602.1201(2011), and subject to the provisions of section 602.4202, the court is replacing certain forms and adding several new forms for applications for appointment of counsel and orders appointing counsel in the Iowa Court Rules:

Iowa Rule of Civil Procedure 1.1901—Form 8: *Financial Affidavit/Application for Appointment of Counsel/Order* is rescinded and replaced with new Iowa Rule of Civil Procedure 1.1901—Form 8: *Financial Affidavit and Application for Appointment of Counsel* and Form 8A: *Order for Appointment of Counsel* attached to this order.

Iowa Rule of Civil Procedure 1.1901—Form 9: *Financial Affidavit of Parent/Application for Appointment of Counsel/Order* is rescinded and replaced with new Iowa Rule of Civil Procedure 1.1901—Form 9: *Financial Affidavit of Parent and Application for Appointment of Counsel for Child Parent Other* and Form 9A: *Order for Appointment of Counsel for Child Parent Other* attached to this order.

Iowa Rule of Criminal Procedure 2.32—Form 1: *Financial Affidavit/Application for Appointment of Counsel/Order* is rescinded and replaced with new Iowa Rule of Criminal Procedure 2.32—Form 1: *Financial Affidavit and Application for Appointment of Counsel* and Form 1A: *Order for Appointment of Counsel* attached to this order.

Iowa Rule of Criminal Procedure 2.32—Form 2: *Financial Affidavit of Parent/Application for Appointment of Counsel/Order* is rescinded and replaced with new Iowa Rule of Criminal Procedure 2.32—Form 2: *Financial Affidavit of Parent and Application for Appointment of Counsel for Child Parent Other* and Form 2A: *Order for Appointment of Counsel for Child Parent Other* attached to this order.

Iowa Rule of Juvenile Procedure 8.33—Form 3: *Application for Appointment of Counsel and Financial Statement (Juvenile Proceedings)* is rescinded and replaced with new Iowa Rule of Juvenile Procedure 8.33—Form 3: *Financial Affidavit of Parent and Application for Appointment of Counsel for Child Parent Other* attached to this order. Iowa Rule of Juvenile Procedure 8.33—Form 4: *Order on Application for Appointment of Counsel and Financial Statement (Juvenile Proceedings)* is rescinded and replaced with New Iowa Rule of Juvenile Procedure 8.33—Form 3A: *Order for Appointment of Counsel for Child Parent Other* attached to this order.

New Iowa Rule of Juvenile Procedure 8.33—Form 4: *Financial Affidavit of 600A Respondent and Application for Appointment of Counsel*, attached to this order, is added to the Iowa Court Rules.

New Iowa Rule of Juvenile Procedure 8.33—Form 4A: *Order for Appointment of Counsel for 600A Respondent*, attached to this order, is added to the Iowa Court Rules.

New Iowa Rule of Juvenile Procedure 8.33—Form 5: *Financial Affidavit of Petitioner Under Iowa Code Chapter 600A*, attached to this order, is added to the Iowa Court Rules.

New Iowa Rule of Juvenile Procedure 8.33—Form 5A: *Order for Payment of Respondent's Court Appointed Attorney Fees and Costs*, attached to this order, is added to the Iowa Court Rules.

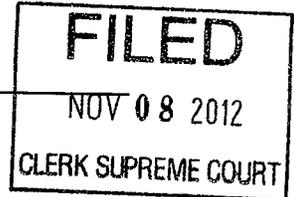
The forms attached to this supervisory order shall be temporarily adopted and be effective immediately. These amendments and new forms permanently take effect January 7, 2013, consistent with the provisions of Iowa Code section 602.4202.

Dated this 8th day of November, 2012..

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

In the Supreme Court of Iowa



| | |
|---|---|
| In the Matter of Amendments to the Iowa Court Rules—Forms Regarding Appointment of Counsel | Report of the Iowa Supreme Court |
|---|---|

To: The Honorable Mary Wolfe, Ranking Member of The House Judiciary Committee of the 2012 Regular Session of the Eighty-Fourth General Assembly of the State of Iowa.

Pursuant to Iowa Code sections 602.4201 and 602.4202 (2009), the Supreme Court of Iowa has approved and reports on this date to the Ranking Member of the House Judiciary Committee the replacement of certain forms and adding several new forms for application for appointment of counsel and orders appointing counsel in the Iowa Court Rules. These amendments shall take permanent effect January 7, 2013.

Dated this 8th day of November, 2012.

Respectfully submitted,

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

Acknowledgment

I, the undersigned, Ranking Member of the House Judiciary Committee, hereby acknowledge delivery to me on the ___ day of _____, 20___, the Report of the Supreme Court pertaining to forms regarding appointment of counsel in the Iowa Court Rules.

Ranking Member of the House
Judiciary Committee

Please retain the copy and sign and return the original to: The Iowa Supreme Court Clerk's Office, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, IA 50319.

Rule 1.1901 – Form 8: Financial Affidavit and Application for Appointment of Counsel

In the Iowa District Court for _____ County

State of Iowa or _____,) No. _____
Plaintiff/Petitioner,)
vs.) **Financial Affidavit and Application for**
) **Appointment of Counsel**
Defendant/Respondent.)

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Pending charges: _____ . In jail? Yes No

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in house household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I understand I may be required to repay the state for all or part of my attorney fees and costs, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date _____

Signature _____

Rule 1.1901 – Form 8A: *Order for Appointment of Counsel*

In the Iowa District Court for _____ County

State of Iowa or _____,
Plaintiff/Petitioner,

)
)
)
)
)
)

No. _____

Order for Appointment of Counsel

vs.

Defendant/Respondent.

Now on this _____ day of _____, 20____, the court having received and examined Defendant’s Financial Affidavit and Application for Appointment of Counsel and having considered not only Defendant’s income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. Defendant:

- Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
 - Defendant’s income is **at or below 125%** of the poverty guidelines and Defendant is unable to pay for the cost of an attorney; **or**
 - Defendant’s income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Defendant substantial financial hardship; **or**
 - Defendant’s Income is **over 200%** of the poverty guidelines, Defendant is charged with a felony, and not appointing counsel would cause Defendant substantial financial hardship.
- Is not eligible for court-appointed counsel pursuant to Iowa Code section 815.9.

2. Counsel appointed below to represent Defendant is:

- The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; **or**
- An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
 - Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
 - Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
 - Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Defendant’s Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to represent Defendant in this case at state expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

* **Note:** In a parole revocation proceeding, the appointment order must include additional specific findings. See Iowa Code § 908.2A(1)(c); Iowa Administrative Code 493—12.2(1)“b”(2). **Do not use this form for parole revocation appointments.**

Rule 1.1901 – Form 9: Financial Affidavit of Parent and Application for Appointment of Counsel for
 Child Parent Other

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,)
_____,)
_____,)
Child(ren).)
_____)

Juvenile No. _____
Financial Affidavit of Parent and Application
for Appointment of Counsel for
 Child Parent Other: _____

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Case: CINA TPR Del Other: _____ Relationship to Child(ren): Parent Other: _____

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in your household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I understand I may be required to repay the state for my attorney fees and costs and those of my child, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date: _____

Signature _____

Rule 1.1901 – Form 9A: *Order for Appointment of Counsel for* Child Parent Other

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,
_____,

)
)
)
)
)

Juvenile No. _____

Order for Appointment
of Counsel for

Child Parent Other: _____

Child(ren).

Now on this _____ day of _____, 20____, the court having received and examined the Financial Affidavit of Parent and Application for Appointment of Counsel and having considered not only the Child/Applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. **Child/Applicant:**

- Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
 - Child/Applicant's income is **at or below 125%** of the poverty guidelines and Child/Applicant is unable to pay for the cost of an attorney; **or**
 - Child/Applicant's income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Child/Applicant substantial financial hardship; **or**
 - Child/Applicant's Income is **over 200%** of the poverty guidelines, case is a felony-level delinquency, and not appointing counsel would cause Child/Applicant substantial financial hardship.
- Is a child and is otherwise eligible for court-appointed counsel under Iowa Code chapter 232.
- Is not eligible for court-appointed counsel.

2. **Counsel/guardian ad litem** appointed below to represent Child/Applicant is:

- The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code § 13B.4(2) to represent indigent persons in this type of case in this county; **or**
- An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
 - Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
 - Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
 - Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Child/Applicant's Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to serve as counsel/guardian ad litem in this case for _____ at state expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

*Note: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. See Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. Do not use this form order for 600A TPR Appointments.

Rule 2.32 – Form 1: Financial Affidavit and Application for Appointment of Counsel

In the Iowa District Court for _____ County

State of Iowa or _____,)
Plaintiff/Petitioner,)
vs.)
_____)
Defendant/Respondent.)

No. _____

Financial Affidavit and Application for Appointment of Counsel

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Pending charges: _____ . In jail? Yes No

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in your household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I understand I may be required to repay the state for all or part of my attorney fees and costs, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date _____

Signature _____

Rule 2.32 – Form 1A: *Order for Appointment of Counsel*

In the Iowa District Court for _____ County

| | | |
|-------------------------|---|---|
| State of Iowa or _____, |) | No. _____ |
| Plaintiff/Petitioner, |) | |
| |) | Order for Appointment of Counsel |
| vs. |) | |
| _____ |) | |
| Defendant/Respondent. |) | |

Now on this _____ day of _____, 20____, the court having received and examined Defendant’s Financial Affidavit and Application for Appointment of Counsel and having considered not only Defendant’s income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. Defendant:

- Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
 - Defendant’s income is **at or below 125%** of the poverty guidelines and Defendant is unable to pay for the cost of an attorney; **or**
 - Defendant’s income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Defendant substantial financial hardship; **or**
 - Defendant’s Income is **over 200%** of the poverty guidelines, Defendant is charged with a felony, and not appointing counsel would cause Defendant substantial financial hardship.
- Is not eligible for court-appointed counsel pursuant to Iowa Code section 815.9.

2. Counsel appointed below to represent Defendant is:

- The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; **or**
- An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
 - Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
 - Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
 - Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Defendant’s Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to represent Defendant in this case at State expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

*Note: In a parole revocation proceeding, the appointment order must include additional specific findings. See Iowa Code § 908.2A(1)(c); Iowa Administrative Code 493—12.2(1)*b*(2). Do not use this form for parole revocation appointments.

Rule 2.32 – Form 2A: Order for Appointment of Counsel for Child Parent Other

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,
_____,

Child(ren).

)
)
)
)
)
)

Juvenile No. _____

Order for Appointment
of Counsel for

Child Parent Other: _____

Now on this _____ day of _____, 20____, the Court having received and examined the Financial Affidavit of Parent and Application for Appointment of Counsel and having considered not only the Child/Applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. Child/Applicant:

- Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
 - Child/Applicant's income is **at or below 125%** of the poverty guidelines and Child/Applicant is unable to pay for the cost of an attorney; **or**
 - Child/Applicant's income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Child/Applicant substantial financial hardship; **or**
 - Child/Applicant's Income is **over 200%** of the poverty guidelines, case is a felony-level delinquency, and not appointing counsel would cause Child/Applicant substantial financial hardship.
- Is a child and is otherwise eligible for court-appointed counsel under Iowa Code chapter 232.
- Is not eligible for court-appointed counsel.

2. Counsel/guardian ad litem appointed below to represent the Child/Applicant is:

- The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; **or**
- An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
 - Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
 - Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
 - Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Child/Applicant's Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to serve as counsel/guardian ad litem in this case for _____ at state expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

*Note: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. See Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. Do not use this form order for 600A TPR Appointments.

Rule 8.33 – Form 3: Financial Affidavit of Parent and Application for Appointment of Counsel for
 Child Parent Other

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,)
_____,)
_____,)
Child(ren).)

Juvenile No. _____
Financial Affidavit of Parent and Application
for Appointment of Counsel for
 Child Parent Other: _____

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: _____ Date of birth: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Case: CINA TPR Del Other: _____ Relationship to Child(ren): Parent Other: _____

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in your household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I understand I may be required to repay the state for my attorney fees and costs and those of my child, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true, and that I am unable to pay for an attorney to represent me.

Date _____

Signature _____

Rule 8.33 – Form 3A: Order for Appointment of Counsel for Child Parent Other

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,
_____,

)
)
)
)
)
)

Juvenile No. _____
**Order for Appointment
of Counsel for**
 Child Parent Other: _____

Child(ren).

Now on this _____ day of _____, 20____, the court having received and examined the Financial Affidavit of Parent and Application for Appointment of Counsel and having considered not only Child/Applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge or nature of the case, finds the following:

1. Child/Applicant:

- Is eligible* for court-appointed counsel pursuant to Iowa Code section 815.9 because:
 - Child/Applicant's income is **at or below 125%** of the poverty guidelines and Child/Applicant is unable to pay for the cost of an attorney; **or**
 - Child/Applicant's income is **between 125% and 200%** of the poverty guidelines and not appointing counsel would cause Child/Applicant substantial financial hardship; **or**
 - Child/Applicant's Income is **over 200%** of the poverty guidelines, case is a felony-level delinquency, and not appointing counsel would cause Child/Applicant substantial financial hardship.
- Is a child and is otherwise eligible for court-appointed counsel under Iowa Code chapter 232.
- Is not eligible for court-appointed counsel.

2. Counsel/Guardian ad litem appointed below to represent Child/Applicant is:

- The local public defender office, nonprofit organization, or attorney designated by the State Public Defender pursuant to Iowa Code section 13B.4(2) to represent indigent persons in this type of case in this county; **or**
- An attorney not designated by the State Public Defender, **and** any local public defender office or other designee of the State Public Defender for this type of case in this county has been contacted and has declined the appointment or withdrawn from the case, or there is no designation for this type of case in this county, **and** the appointed attorney:
 - Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
 - Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
 - Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Child/Applicant's Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to serve as counsel/guardian ad litem in this case for _____ at state expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

* Note: A different standard applies for determining eligibility for appointment of respondent's counsel in a Chapter 600A TPR, and additional findings are required to determine the appropriate party/agency responsible for payment. See Iowa Code §§ 600A.2(11), 600A.6A(2), and 600A.6B. Do not use this form order for 600A TPR Appointments.

Rule 8.33 – Form 4A: Order for Appointment of Counsel for 600A Respondent

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,)
_____,)
_____,)
Child(ren).)

Juvenile No. _____

**Order for Appointment
of Counsel for 600A Respondent**

Now on this _____ day of _____, 20____, the court having received and examined the Financial Affidavit of Respondent and Application for Appointment of Counsel and having conducted an in-court colloquy and having considered not only Respondent's income, but also the availability of any assets subject to execution and the nature and complexity of the case, finds the following:

1. Respondent:

- Is eligible for court-appointed counsel pursuant to Iowa Code section 600A.6A because each of the following criteria are met:
 - Respondent requested appointment of counsel; **and**
 - Respondent is indigent (at or below 100% of the poverty guidelines and Respondent is unable to pay for the cost of an attorney); **and**
 - Respondent, because of lack of skill or education, would have difficulty in presenting the person's version of the facts in dispute, particularly where the presentation of the facts requires the examination or cross-examination of witnesses or the presentation of complex documentary evidence; **and**
 - Respondent has a colorable defense to the termination of parental rights, or there are substantial reasons that make termination of parental rights inappropriate.
- Is not eligible for court-appointed counsel.

2. Counsel appointed below to represent Respondent:

- Has a current contract with the State Public Defender to represent indigent persons in this type of case and in this county; **or**
- Does not have such a contract, but all attorneys with a contract to represent indigent persons in this type of case in this county have been contacted and no such attorney is available to take this case; **or**
- Does not have such a contract, but the State Public Defender has been consulted and consents to the appointment.

It is therefore ordered that Respondent's Application for Appointment of Counsel is

- Denied.
- Approved, and that _____ is appointed to serve as counsel in this case for Respondent at state expense and may be contacted at _____.

Judge, _____ Judicial District

Copy to:

Rule 8.33 – Form 5: *Financial Affidavit of Petitioner Under Iowa Code Chapter 600A*

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,
_____,

)
)
)
)
)
)
)

Juvenile No. _____

**Financial Affidavit of Petitioner Under Iowa
Code Chapter 600A**

Child(ren).

Petitioner's name: _____ Birth date: _____

Home phone: _____ Cell phone: _____ Email: _____

Street address: _____
Street/P.O. Box Apt # City State Zip

Do you have a job? No job Yes, full time Yes, part time (list hours per week: _____)

Who do you work for? _____

How much money do you currently make, before taxes or deductions? _____ per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? _____

How many family members are supported by or live with you? _____

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, and anyone else living in your household, has coming in: _____

List what you own, including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: _____

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, and any other debts: _____

I promise under penalty of perjury that the statements I make in this affidavit are true and that I am unable to pay for an attorney to represent Respondent in this case. I also understand that I must report any changes in the information submitted on this financial affidavit.

Date _____

Signature _____

Rule 8.33 – Form 5A: Order for Payment of Respondent’s Court Appointed Attorney Fees and Costs

In the Iowa District Court for _____ County (Juvenile Division)

In the Interest of

_____,
_____,

Child(ren).

)
)
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)
)
)

Juvenile No. _____

**Order for Payment of Respondent’s Court
Appointed Attorney Fees and Costs**

Now on this ____ day of _____, 20 __, the court having received and examined the Financial Affidavit of Petitioner Under Iowa Code Chapter 600A finds as follows:

- Petitioner is **not indigent** (over 100% poverty guideline) and is responsible for payment of reasonable attorney’s fees to Respondent’s court-appointed attorney.

- Petitioner is **indigent** (at or under 100% poverty guideline unless able to pay attorney costs) and the State Public Defender is responsible for payment of reasonable attorney’s fees to Respondent’s court-appointed attorney under Iowa Code section 600A.6B(3) and Iowa Administrative Code section 493-14.

Judge, _____ Judicial District

Copy to: