

MAR 1 2005
JUDICIARY

HOUSE FILE 498
BY HUTTER and BERRY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prescribing the frequency of a guardian ad litem's visits
2 to the residence of a child.

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

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HF 498

1 Section 1. Section 232.2, subsection 22, paragraph b,
2 subparagraph (3), Code 2005, is amended to read as follows:

3 (3) Visiting the home, residence, or both home and
4 residence of the child and any prospective home or residence
5 of the child, including each time placement is changed. At
6 least once every ninety days, the guardian ad litem shall
7 personally visit the residence of the child at a time when the
8 child is present in the residence.

9 EXPLANATION

10 This bill amends one of the duties contained in the
11 definition of the term "guardian ad litem" in Code section
12 232.2. A guardian ad litem is an individual appointed by the
13 juvenile court to represent the child's interests in any
14 judicial proceeding.

15 Current law requires the guardian ad litem to visit a
16 child's home or residence, or both, and the prospective home
17 or residence of the child, including each time the child's
18 placement is changed. The bill specifies that at least once
19 every 90 days the guardian ad litem must visit the child's
20 residence at a time when the child is present in the
21 residence.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 498 - Guardian Ad Litem Duties (LSB 2928 HH)

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Fiscal Note Version - New

Description

House File 498 requires a guardian ad litem to visit the residence of a child they represent at least once every 90 days while the child is in that residence. Current law requires the guardian ad litem visit a child's residence, home, or both, and the prospective home or residence of a child, including each time the child's placement is changed.

Background

1. State Public Defender/Indigent Defense pays both travel time (\$50 per hour) and mileage (\$0.24 per mile) for attorneys to perform statutory duties for those who file claims.
2. In FY 2004, the State Public Defender processed 21,370 claims in Child In Need of Assistance (CINA) cases and 2,089 in Termination of Parental Rights cases. Many of these cases involve multiple claims, therefore, it is estimated that approximately one-third of these cases (8,000) were separate cases.
3. The counties pay \$1.2 million for juvenile justice annually and the State picks up the remainder of the costs.
4. A guardian ad litem does not have to be an attorney.

Assumptions

1. House File 498 is anticipated to impact approximately 8,000 cases in which a guardian ad litem would need to perform a visit every 90 days.
2. The estimate assumes that one visit is already being completed during a year.
3. Each additional visit would be approximately \$200 per visit or \$600 per case, per year in additional expenses.

Fiscal Impact

The fiscal impact of HF 498 is estimated to cost the General Fund approximately \$2.4 million (if half the guardian ad litem filed a claim) to \$4.8 million (if every guardian ad litem filed a claim).

Sources

Judicial Branch
State Public Defender's Office

/s/ Holly M. Lyons

March 29, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
