

MAR 2 2005  
HUMAN RESOURCES

HOUSE FILE 509  
BY WINCKLER, LENSING, JOCHUM,  
WESSEL-KROESCHELL, R. OLSON,  
and BERRY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the right to counsel in involuntary  
2 termination of parental rights proceedings, providing for  
3 appropriation of funds for indigent defense provided in such  
4 proceedings, providing an effective date, and providing for  
5 retroactive applicability.

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

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HF 509

1 Section 1. NEW SECTION. 600A.6A RIGHT TO AND APPOINTMENT  
2 OF COUNSEL.

3 Upon the filing of a petition for the involuntary  
4 termination of parental rights under this chapter, the parent  
5 identified in the petition shall have the right to counsel in  
6 connection with all subsequent hearings on the proceedings.  
7 If the parent desires but is financially unable to employ  
8 counsel, the court shall appoint counsel.

9 Sec. 2. Section 815.11, Code 2005, is amended to read as  
10 follows:

11 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

12 Costs incurred under chapter 229A, 600A, 665, or 822, or  
13 section 232.141, subsection 3, paragraph "c", or section  
14 598.23A, 814.9, 814.10, 814.11, 815.4, 815.7, 815.10, or  
15 908.11 on behalf of an indigent shall be paid from funds  
16 appropriated by the general assembly to the office of the  
17 state public defender in the department of inspections and  
18 appeals for those purposes. Costs incurred representing an  
19 indigent defendant in a contempt action, or representing an  
20 indigent juvenile in a juvenile court proceeding under chapter  
21 600, are also payable from these funds. However, costs  
22 incurred in any administrative proceeding or in any other  
23 proceeding under chapter 598, 600, ~~600A~~ 633, or 915 or other  
24 provisions of the Code or administrative rules are not payable  
25 from these funds.

26 Sec. 3. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

27 This Act, being deemed of immediate importance, takes effect  
28 upon enactment and is retroactively applicable to March 12,  
29 2004.

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EXPLANATION

31 This bill provides that the court is required to appoint  
32 counsel for indigent persons in termination of parental rights  
33 proceedings, whether the proceedings are brought under Code  
34 chapter 232 or Code chapter 600A, in the case of involuntary  
35 terminations. The bill also provides for payment of the costs

1 of indigent defense under Code chapter 600A from the funds  
2 appropriated to the office of the state public defender.

3 The bill takes effect upon enactment and is retroactively  
4 applicable to March 12, 2004.

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