

FEB 7 2006
Place On Calendar

HOUSE FILE 2235
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 498)

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 2235

HOUSE FILE 2235

H-8018

1 Amend House File 2235 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "litem." the following: "The court appointed special
4 advocate or other person designated by the court shall
5 provide recommendations to the guardian ad litem in a
6 timely manner that allows the guardian ad litem to
7 incorporate the recommendations in representing the
8 best interests of the child before the court."

By SMITH of Marshall

H-8018 FILED FEBRUARY 13, 2006

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

4 (3) Visiting the home, residence, or both home and
5 residence of the child and any prospective home or residence
6 of the child, including each time placement is changed. At
7 least once every ninety days, the guardian ad litem shall
8 personally visit the residence of the child at a time when the
9 child is present in the residence. If the guardian ad litem
10 is not a court appointed special advocate or a court appointed
11 special advocate has not been appointed for the child, the
12 court may designate a court appointed special advocate or
13 other person with qualifications acceptable to the court to
14 perform the personal visit duty in lieu of the guardian ad
15 litem.

16 EXPLANATION

17 This bill amends one of the duties contained in the
18 definition of the term "guardian ad litem" in Code section
19 232.2. A guardian ad litem is an individual appointed by the
20 juvenile court to represent the child's interests in any
21 judicial proceeding.

22 Current law requires the guardian ad litem to visit a
23 child's home or residence, or both, and the prospective home
24 or residence of the child, including each time the child's
25 placement is changed. The bill specifies that at least once
26 every 90 days the guardian ad litem must visit the child's
27 residence at a time when the child is present in the
28 residence. A court appointed special advocate or other
29 qualified person may perform the personal visit duty in lieu
30 of the guardian ad litem.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2235 - Guardian Ad Litem Duties (LSB 6416 HV)

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Fiscal Note Version - New

Description

House File 2235 requires a Guardian Ad Litem to visit the residence of the child at least once every 90 days while the child is present 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.

The Bill also permits, but does not require, that a court appointed special advocate (CASA) or other qualified person may perform the personal visit duty in lieu of the Guardian Ad Litem.

Background

1. State Public Defender/Indigent Defense pays both travel time (\$50 per hour) and mileage (\$0.30 per mile) for attorneys to perform statutory duties for those who file claims.
2. In FY 2005, the State Public Defender processed 23,599 claims in Child In Need of Assistance (CINA) cases and 2,308 in Termination of Parental Rights cases. Many of these cases involved multiple claims, therefore, it is estimated that approximately one-third of these cases (8,500) were separate cases.
3. The counties pay \$1.2 million for juvenile justice annually and the State pays the remainder of the costs (Section 232.141(3), Code of Iowa).
4. A Guardian Ad Litem does not have to be an attorney.
5. There are Court Appointed Special Advocate (CASA) offices in 64 of Iowa's 99 counties. However, CASA volunteers currently serve as Guardians in the following northwestern counties: Buena Vista, Clay, Cherokee, Ida, Lyon, Monona, Plymouth, Sioux, and Woodbury. The Child Advocacy Board has indicated expanding the CASA Program Statewide to the remaining 35 counties would cost approximately \$400,000.
6. Current CASA policy requires a CASA volunteer to visit a child in their home at least once per month.

Assumptions

1. House File 2235 is anticipated to impact approximately 7,700 cases in which an attorney who is a Guardian would need to perform a visit every 90 days.
2. Nine counties currently use CASA volunteers as Guardian Ad Litem. It is estimated that approximately 800 cases would be handled by CASA.
3. The estimate assumes that one visit is already being completed during a year.
4. 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 2235 to the General Fund would be approximately \$2.3 million (if half the attorney Guardian Ad Litem filed a claim) to \$4.6 million (if every attorney Guardian Ad Litem filed a claim).

Sources

Judicial Branch
State Public Defender's Office
Child Advocacy Board

/s/ Holly M. Lyons

February 9, 2006

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.
