

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 398 (Formerly HF 61)	House Committee:	<b>PASSED</b> on February 21 (19-0)
Committee:	Judiciary	House Floor:	<b>PASSED</b> on March 9 (96-0)
Floor Manager:	Rep. Lohse	Senate Floor:	<b>PASSED</b> on May 2 (48-0)
Date:	May 8, 2023	Governor:	
Staff:	Amanda Wille (1-5230)		

### Public Defender and Adoption

- Allows the public defender to serve as guardian ad litem for a child in adoption proceedings where the child was part of CINA, FINA, delinquency, or TPR proceedings.
- **Fiscal Note** – HF 398 will cost between \$204,000 to \$408,000 to the Indigent Defense Fund. Could save HHS up to \$500 per adoption case for special needs children where the petitioner is represented by the Public Defender

### Section by Section Analysis

#### Section 1 – Public Defenders- Powers and Duties of Local Public Defenders- Referrals to Outside Council (13B.9)

The public defender will represent any party in an adoption proceeding where the child was subject to child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings.

The public defender will also serve as guardian ad litem for the child.

#### Section 2- Adoption- Attachments to an Adopted Petition (600.6)

Requires HHS to provide a certified copy of a birth certificate to the person adopting a child when HHS is the guardian of the child.

#### Section 3-Adoption- Notice of Adoption Hearing (600.11)

Conforming changes

In an adult adoption, notice must be given to the adult.

### Amendment Analysis