

LEGAL SERVICES

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MEMORANDUM

February 21, 2012

SUBJECT: Defining a public agency for purposes of requiring representation of indigents in custody disputes; drafting issues for amendment to HB 221 (Work Order No. 27-LS0650\A.1)

TO: Representative Mike Chenault
Attn: Tom Wright

FROM: Dennis C. Bailey 
Legislative Counsel

This memo accompanies the requested amendment. Please be aware of the following issues that have become apparent during drafting.

The proposed definition of "parent" refers to an "unwed father," which raises a question -- to whom is the father "unwed"? The draft now uses the phrase "putative father" whose paternity has not been established. "Putative" means reputed or supposed. Is this OK?

Also, please be aware that the definitions have been moved to the paragraph, sec. 44.21.410(a)(4)(A), that describes of the duty of the Office of Public Advocacy (OPA) to represent indigent parties in cases involving custody when the opposing party is represented by a public agency. The new location is appropriate because that paragraph is the one involved in the *Alaska Network* case. Because of the new location, the new definitions only apply to the OPA activities listed in the paragraph rather than the entire section. However, in either location, the new definition of "parent" would also apply to the duty of OPA to represent "indigent parents of a minor respondent in a commitment proceeding concerning the minor under AS 47.30.775." Is that what you intend?

If I may be of further assistance, please advise.

DCB:plm:ljw
12-105.pm

Enclosure