

CS FOR HOUSE BILL NO. 259(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/23/00
Referred: Finance

Sponsor(s): REPRESENTATIVES COGHILL, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a parent's eligibility to be represented by the public defender
2 before and during the probable cause and temporary placement hearing that is
3 held after the state takes emergency custody of a child."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 18.85.100 is amended by adding a new subsection to read:

6 (e) Subject to other provisions of this subsection, a person who is the natural
7 or adoptive parent of a child who is taken into emergency custody of the state under
8 AS 47.10.142 may be represented at public expense and without a court order by an
9 attorney employed by the Public Defender Agency in connection with the hearing held
10 under AS 47.10.142(d). Representation in connection with the hearing may include
11 investigation and other preparation before the hearing is held as well as representation
12 at the hearing. Continued representation of the person by the Public Defender Agency
13 after the hearing is held under AS 47.10.142(d) is contingent on satisfaction of the
14 eligibility requirements of (a) - (d) of this section, the issuance of an appropriate court

1 order, and compliance with the applicable laws and court rules relating to court-
2 appointed counsel employed at the public's expense. If a person who was represented
3 by the Public Defender Agency at public expense without a court order in connection
4 with a hearing held under AS 47.10.142(d) is not later determined to be eligible for
5 court-appointed counsel at public expense under applicable laws and court rules, the
6 court shall assess against the represented parent the cost to the Public Defender
7 Agency of providing the representation.

8 * **Sec. 2.** AS 18.85.120(d) is amended to read:

9 (d) **Except as provided in AS 18.85.100(e), as** [AS] a condition of receiving
10 services under this chapter, a person shall affirm indigency under oath to the court and
11 execute a general waiver authorizing the release to the court of income information
12 regarding any income source the person has had for a period of three years
13 immediately preceding the person's first court appearance in connection with each
14 cause. At the conclusion of all services by the public defender to the person, the court
15 shall upon request release to the attorney general all information received under this
16 subsection except information that might incriminate or tend to incriminate the person.