

FISCAL NOTE

Bill Version: CSHB 259 (FIN)

(H) Publish Date: 2/28/00

STATE OF ALASKA

2000 LEGISLATIVE SESSION

Revision Date:
Title: "An Act relating to a parent's eligibility to be represented by the public defender...."
Sponsor: Representative Coghill
Requestor: (H) FIN

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

Table with 7 columns: OPERATING EXPENDITURES, FY 2001, FY 2002, FY 2003, FY 2004, FY 2005, FY 2006. Rows include PERSONAL SERVICES, TRAVEL, CONTRACTUAL, SUPPLIES, EQUIPMENT, LAND & STRUCTURES, GRANTS, CLAIMS, MISCELLANEOUS, and TOTAL OPERATING.

CAPITAL EXPENDITURES table with 7 columns and 1 row.

CHANGE IN REVENUES () table with 7 columns and 1 row.

FUND SOURCE: (Thousands of Dollars)

Table with 7 columns: 1002 Federal Receipts, 1003 GF Match, 1004 GF, 1005 GF/Program Receipts, 1037 GF/Mental Health, OTHER, and TOTAL.

Estimate of any current year (FY 2000) cost: \$

POSITIONS:

Table with 7 columns: FULL-TIME, PART-TIME, TEMPORARY.

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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Division: Public Defender Agency

Phone: (907) 264-4414
Date:

Approved by Commissioner: Robert Poe Jr.
Agency: Department of Administration

Date: 2/18/00

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FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. CSHB 259(STA)

ANALYSIS: (continued)

This bill would allow the Public Defender Agency to represent parents whose children have been taken into emergency custody by state social workers without the parents first having to go through a formal indigent screening process and appointment by the court.

The Public Defender Agency does not anticipate any fiscal impact from the legislation. We have to do the same amount of work in these cases anyway. If we can get started a little earlier, so much the better.

However, in predicting the lack of any fiscal impact, we are making the following assumptions. First, we assume that we will not be representing non-indigent people. Our lawyers can ask a few questions and get a pretty clear idea of whether someone is indigent or not. If people are able to hire their own lawyers, we can refer them to private attorneys. Therefore, we should not be getting additional clients—just people we would be representing anyway.

Second, we assume the words “may be represented” give us leeway as to whom we represent and the scope of the representation in these initial phases. We must be able to turn down requests for this type of immediate representation if we have a conflict of interest or for other legitimate reasons. In addition to conflicts of interest, we have to be careful that the Public Defender Agency takes the most serious case. For example, if a mother calls saying her children have been taken because her husband is accused of sexual abuse, we should make sure that we end up representing the husband, not her. The husband may end up being a defendant in an expensive criminal case. If we can represent him in both the Child in Need of Aid and criminal cases, we can save the expense of having another lawyer appointed through the Office of Public Advocacy in the criminal case. Finally, we have limited resources and cannot promise an immediate response in every case. If all our lawyers are in court hearings, we may have to delay taking intake calls and interviews.