

CS FOR HOUSE BILL NO. 259(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/28/00

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

1 compliance with the applicable laws and court rules relating to court-appointed counsel
2 employed at the public's expense.

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

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