



LAWS OF ALASKA

2000

Source

CSHB 259(FIN)

Chapter No.

123

AN ACT

Relating to eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 6, 2000

Actual Effective Date: September 4, 2000

AN ACT

1 Relating to eligibility to be represented by the public defender before and during the probable
2 cause and temporary placement hearing that is held after the state takes emergency custody of
3 a child.

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

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

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

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