

1 HB231
2 197677-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 20-MAR-19

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8 SYNOPSIS: Under existing law, in a dependency
9 proceeding, a juvenile court, upon request by a
10 petitioner and a finding of indigency, may appoint
11 an attorney to represent the petitioner.

12 Also under existing law, in a dependency
13 proceeding, the respondent parent, legal guardian,
14 or legal custodian must be informed of his or her
15 right to be represented by counsel and, if the
16 juvenile court determines that he or she is
17 indigent, counsel must be appointed where the
18 respondent parent, legal guardian, or legal
19 custodian is unable for financial reasons to retain
20 his or her own counsel.

21 This bill would limit a juvenile court's
22 authority in a dependency proceeding to appoint an
23 attorney for the petitioner, respondent parent,
24 legal guardian, or legal custodian to cases in
25 which the state has filed a petition or is
26 otherwise a party to the proceeding.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
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5 Relating to dependency proceedings; to amend Section
6 12-15-305, Code of Alabama 1975, to limit a juvenile court's
7 authority in a dependency proceeding to appoint an attorney
8 for the petitioner, respondent parent, legal guardian, or
9 legal custodian to cases in which the state has filed a
10 petition or is otherwise a party to the proceeding.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 12-15-305, Code of Alabama 1975,
13 is amended to read as follows:

14 "§12-15-305.

15 "(a) Upon request and a finding of indigency, the
16 juvenile court ~~may~~ shall appoint an attorney to represent the
17 petitioner, respondent parent, legal guardian, or legal
18 custodian if the state has filed a petition or is otherwise a
19 party to the proceeding and may order recoupment of the fees
20 of the attorney to be paid to the State of Alabama.

21 "(b) In dependency cases in which the state has
22 filed a petition or is otherwise a party and termination of
23 parental rights cases, the respondent parent, legal guardian,
24 or legal custodian shall be informed of his or her right to be
25 represented by counsel and, if the juvenile court determines
26 that he or she is indigent, counsel shall be appointed where
27 the respondent parent, legal guardian, or legal custodian is

1 unable for financial reasons to retain his or her own
2 counsel."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.