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Assembly Committee on Judiciary
Public Hearing
Thursday, January 19, 2017

Chairman Ott and members,

Thank you for having this hearing on three bills clarifying and making technical changes to statute at the request of the State Public Defender's office. We will describe the bills briefly and answer any questions the committee may have. We thank Chairman Ott and his staff for helping to bring these bills before you today.

Assembly Bill 21 removes an outdated reference to being "indigent in part" from statute to prevent confusion or misunderstanding in the future. The status of being indigent in part was functionally removed when the current SPD process for assessing attorney fees was implemented in 1995. At this time, both statute and administrative code provide that a person subject to eligibility requirements is either indigent or not.

Assembly Bill 22 changes one word in the title of a statute in Chapter 938. The body of the statute discusses the need for judges to recuse themselves in certain scenarios when entering a consent decree in a juvenile proceeding. The title of the section erroneously refers to "refusal" rather than "recusal." AB 22 would simply correct the word in the title of the section to enhance clarity when reading the statute.

Assembly Bill 23 clarifies legislative intent and the current practice of the SPD to conduct a financial eligibility determination before appointing counsel to parents in termination of parental rights (TPR) cases. SPD has historically required financial screening in these cases, as in adult criminal cases. However, when the eligibility process was streamlined in 2007 for certain mental health cases, the language changes created ambiguity as to whether a TPR parent was eligible for SPD services without such screening. Following the legislative intent and historical practice, the SPD has conducted eligibility determinations for these parents, but the statutory language could be made more clear with the changes in AB 23.

Thank you for your consideration and support for these bills. If you have any questions, we are happy to answer them.

Sincerely,

Adam Plotkin
Legislative Liaison