

63A-11-203 Child Welfare Parental Defense Fund -- Creation.

- (1) There is created an expendable special revenue fund known as the "Child Welfare Parental Defense Fund."
- (2) Subject to availability, the department may make distributions from the fund as required in this chapter for the following purposes:
 - (a) to pay for the representation, costs, expert witness fees, and expenses of contracted parental defense attorneys who are under contract with the department to provide parental defense in child welfare cases for the indigent parent or parents that are the subject of a petition alleging abuse, neglect, or dependency;
 - (b) for administrative costs under this chapter; and
 - (c) for reasonable expenses directly related to the functioning of the program, including training and travel expenses.
- (3) The fund consists of:
 - (a) appropriations made to the fund by the Legislature;
 - (b) interest and earnings from the investment of fund money;
 - (c) proceeds deposited by participating counties under Section 63A-11-204; and
 - (d) private contributions to the Child Welfare Parental Defense Fund.
- (4) The state treasurer shall invest the money in the fund by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act.
- (5)
 - (a) If the department anticipates a deficit in the fund during any fiscal year:
 - (i) the department shall request an appropriation from the Legislature; and
 - (ii) the Legislature may fund the anticipated deficit through appropriation but is not required to fund the deficit.
 - (b) If the anticipated deficit is not funded by the Legislature, the department may request an interim assessment to participating counties to fund the anticipated deficit.

Amended by Chapter 400, 2013 General Session