

5th Sub. S.B. 155
INDIGENT DEFENSE

Representative **Daniel McCay** proposes the following amendments:

1. Page 19, Lines 556 through 571:

556 (2) {+} Counsel {+} {~~Except as provided in Subsection (3), counsel~~} appointed by the
557 court
558 may not provide representation as court-appointed counsel for a parent or legal guardian in any
559 action initiated by, or in any proceeding to modify court orders in a proceeding initiated by, a
560 private party **. except that in a private action to terminate parental rights the court may appoint**
561 **counsel to represent an indigent parent if it finds that the failure to appoint counsel will result in**
562 **a deprivation of due process** .
563 {~~(3) Unless the court finds there is a likelihood that the failure to appoint counsel for an~~
564 ~~indigent private party may result in a deprivation of due process, counsel appointed by the~~
565 ~~court may not provide representation as court-appointed counsel for a parent or legal guardian~~
566 ~~in a termination of parental rights action initiated by a private party.~~}
567 {+} (3) {+} {~~(4)~~} If the county responsible to provide legal counsel for an indigent under
568 Subsection (1)(g) has arranged by contract to provide services, the court shall appoint the
569 contracting attorney as legal counsel to represent that indigent.
570 {+} (4) {+} {~~(5)~~} The court may order a parent or legal guardian for whom counsel is
571 appointed,
572 and the parents or legal guardian of any minor for whom counsel is appointed, to reimburse the
573 county for the cost of appointed counsel.
574 {+} (5) {+} {~~(6)~~} The state, or an agency of the state, may not be ordered to reimburse the
575 county for expenses incurred under Subsection (1)(g).