

Committee on Judiciary

SB 146 — Appointment of Attorneys for Dependent Children with Special Needs

by Senators Bean, Bradley, and Young

The bill authorizes the payment of certain “due process costs” when a court-appointed pro bono attorney represents a dependent child with special needs. These due process costs are the costs of court reporting and transcriptions, expert witnesses, mental health professionals, reasonable pretrial consultation fees and costs, and certain travel expenses.

Currently, a court-appointed pro bono attorney is not entitled to funds for due process costs. In contrast, a private court-appointed attorney who is paid for his or her services in these cases is permitted to access funds for due process costs. Under the bill, the Justice Administrative Commission will review and pay due process costs for pro bono attorneys as it does for compensated attorneys under current law.

The bill is expected to increase the need for funding for due process costs associated with children with special needs represented by pro bono attorneys. Indirectly, this bill may reduce funding needs for private attorneys if more pro bono attorneys are willing to represent children with special needs when due process costs are borne by the state.

These provisions became law upon approval by the Governor on March 19, 2018.

Vote: Senate 38-0; House 109-0