

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6074

BILL NUMBER: SB 65

DATE PREPARED: Feb 7, 2001

BILL AMENDED:

SUBJECT: Indigent Parties in Civil Actions.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill authorizes a court to appoint an attorney at no expense to an indigent person for the purpose of prosecuting or defending the indigent person's interests in a civil action only if the court determines that certain exceptional circumstances justify the appointment. The bill also requires the court to pay the reasonable attorney's fees and litigation expenses incurred by the appointed attorney.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) This bill will save counties an indeterminable amount of money by no longer requiring the courts to appoint their public defender staff or hire outside counsel to represent indigent litigants in civil cases. For example, some courts are reportedly using public defenders to represent indigent parties in divorce cases and certain noncriminal cases. It is likely that this bill would permit the courts to not appoint indigent counsel for a certain number of civil cases involving indigent litigants. However, courts would likely still appoint counsel for indigent litigants in cases involving the taking of liberty from the indigent litigants (such as mental competency hearings).

The amount of money that courts are currently spending on legal services for indigent persons in civil cases is not reported. The 1999 Judicial Report shows that trial courts appointed pauper counsel in 87,870 cases. Of these cases, 1,993 cases, or 2.3%, were for cases other than criminal, juvenile, post conviction relief, or criminal appeals. These cases could include, but are not limited to, divorces, mental health competency hearings, probation revocations, and termination of parental rights. For CY 1999, the courts spent \$24 M for public defender staff, pauper attorney case by case, and other indigent expenses. If the courts spent 2.3% of its indigent defense budget for these other cases, then the estimated cost of legal representation for these

types of cases would be \$650,000. The savings from this bill are indeterminable.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts

Information Sources: Larry Landis, Indiana Public Defender Council, Hon. Roland Chamblee, St. Joseph Superior Court, Hon. Thomas Hunt, Grant Circuit Court, 1999 Indiana Judicial Report.