LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
301 State House
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FISCAL IMPACT STATEMENT

LS 6052
BILL NUMBER: HB 1023

DATE PREPARED: Oct 12, 2001
BILL AMENDED:

SUBJECT: Indigent Parties in Civil Actions.

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FUNDS AFFECTED: GENERAL
DEDICATED
FEDERAL

IMPACT: Local

Summary of Legislation: This bill allows a court that has accepted a person's application to prosecute or defend a civil action as an indigent person the option of appointing an attorney at no expense to the indigent person to prosecute or defend the indigent person's interests in the civil action. It requires the court to pay reasonable attorney's fees and litigation expenses incurred by the appointed attorney.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: 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 all 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 still be either required or permitted to appoint counsel for indigent litigants in certain civil proceedings. (See background explanation).

The amount of money that courts are currently spending on legal services for indigent persons in civil cases is not reported.

Background: Under current law, courts are required to appoint legal counsel for any litigant in a civil proceeding who the court determines to be indigent. Under this bill, the courts would no longer be required to appoint indigent counsel for all civil cases involving indigent litigants. However, courts would remain obliged to appoint counsel for indigent persons in the following civil proceedings:

Code Cite	Type of Proceeding
IC 11-13-6-9	Parole Hearing
IC 12-10-3-22	Hearing to determine whether a person is an endangered adult that is required to received protective services
IC 12-20-15-6	Appeal from denial or reduction of poor relief
IC 12-26-2-5	Discretionary authority to appoint counsel for petitioner in action for detention or commitment of mentally ill person
IC 16-39-3-5	Required appointment of counsel for release of mental health records of indigent person in an inpatient treatment facility
IC 16-41-9-2	Proceedings to impose restrictions on individual with certain communicable or dangerous communicable diseases or require mandatory testing
IC 31-15-6-6	Discretionary authority to appoint lawyer for guardian ad litem or court-appointed special advocate in dissolution and legal separation actions.
IC 31-17-6-5	Discretionary authority to appoint lawyer for guardian ad litem or court-appointed special advocate actions: (1) for child custody and modification of child custody orders; (2) related to visitation rights of noncustodial parent; (3) for appointment of a guardian ad litem or court-appointed special advocate; or (4) to determine fees and costs of a party
IC 31-32-3-4; IC 31-32-3-5	Discretionary authority to appoint lawyer for guardian ad litem or court-appointed special advocate in actions in any juvenile proceeding
IC 31-32-2-5; IC 31-32-4-1; IC 31-32-4-3	Required appointment of attorney for parent in a proceeding to terminate the parent-child relationship
IC 31-37-23-1	Discretionary authority to appoint lawyer for a runaway detained under a requisition order issued under authority of Interstate Compact on Juveniles
IC 34-57-3-4	Community dispute resolution centers program required to provide service to indigent

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial Courts.

Information Sources: Larry Landis, Indiana Public Defender Council; Commission on Courts Meetings during 2001 interim.