| | | Reading-white - Req | uested by: Bob Bro | wn - (S) Judiciary | | |
|-------------------------------------|--|---------------------------------------|---|---|----------------------------|--|
| - 2023**** 68th Legislature 2023 | | Drafte | er: Julianne Burkhardt, 406 | 6-444-4025 | SB0148.001.001 | |
| | | | | | | |
| 1 | | | SENATE BILL NO. 14 | 8 | | |
| 2 | | | INTRODUCED BY D. LE | ENZ | | |
| 3 | | | | | | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LEGAL REPRESENTATION FOR CHILDRE | | | | HILDREN IN | |
| 5 | CHILD ABUSE AND NEGLECT CASES; AND AMENDING SECTION 41-3-425, MCA." | | | | | |
| 6 | | | | | | |
| 7 | BE IT ENACTE | D BY THE LEGISLATUR | E OF THE STATE OF MO | ONTANA: | | |
| 8 | | | | | | |
| 9 | Sectio | 1. Section 41-3-425, M0 | CA, is amended to read: | | | |
| 10 | "41-3-4 | 25. Right to counsel. (| 1) Any party involved in a | petition filed pursuant to 41 | -3-422 has the | |
| 11 | right to counse | in all proceedings held p | ursuant to the petition. | | | |
| 12 | (2) | Except as provided in <mark>su</mark> | <mark>ıbsections (3)</mark> through (5) | and subsection (4), the cour | t shall | |
| 13 | immediately appoint the office of state public defender to assign counsel for: | | | | | |
| 14 | (a) any indigent parent, guardian, or other person having legal custody of a child or youth in a | | | | | |
| 15 | removal, placement, or termination proceeding pursuant to 41-3-422, pending a determination of eligibility | | | | | |
| 16 | pursuant to 47- | 1-111; | | | | |
| 17 | (b) | any child or youth involv | ed in a proceeding under | a petition filed pursuant to 4 | 1-3-422 when a | |
| 18 | guardian ad lite | m is not appointed for the | <mark>→ child or youth</mark> ; and | | | |
| 19 | (c) | any party entitled to cou | nsel at public expense un | der the federal Indian Child | Welfare Act. | |
| 20 | (3) W | hen appropriate, the cour | t may appoint the office o | f state public defender to as | sign counsel for | |
| 21 | any child or youth involved in a proceeding under a petition filed pursuant to 41-3-422 when a guardian ad litem | | | | | |
| 22 | is appointed for | the child or youth. | | | | |
| 23 | (4)<u>(3)</u> | When appropriate and ir | າ accordance with judicial | branch policy, the court may | / assign counsel | |
| 24 | at the court's expense for a guardian ad litem or a court-appointed special advocate involved in a proceeding | | | | | |
| 25 | under a petition filed pursuant to 41-3-422. | | | | | |
| 26 | (5)<u>(4)</u> | Except as provided in th | e federal Indian Child We | lfare Act, a court may not ap | point a public | |
| 27 | defender to a p | utative father, as defined | in 42-2-201, of a child or y | youth in a removal, placeme | nt, or termination | |
| 28 | proceeding pur | suant to 41-3-422 until: | | | | |
| | [] onislativ | , | - 1 - | Authorized Print | Version – SB 148 | |



| Amendment - 1st Reading-white | - Requested by: Bob Brown - (S) Judiciary | |
|-------------------------------|---|----------------|
| - 2023**** | | |
| 68th Legislature 2023 | Drafter: Julianne Burkhardt, 406-444-4025 | SB0148.001.001 |

- 1 (a) the putative father is successfully served notice of a petition filed pursuant to 41-3-422; and
- 2 (b) the putative father makes a request to the court in writing to appoint the office of state public
- 3 defender to assign counsel."
- 4

- END -