

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 640

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE CHILDREN AND FAMILIES LEGAL SERVICES FUND; AMENDING CHAPTER
2 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1626, IDAHO
3 CODE, TO CREATE THE CHILDREN AND FAMILIES LEGAL SERVICES FUND IN THE
4 STATE TREASURY, TO PROVIDE WHAT MONEYS IN THE FUND SHALL CONSIST OF AND
5 TO PROVIDE FOR WHAT MONEYS IN THE FUND MAY BE EXPENDED; AMENDING CHAPTER
6 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1627, IDAHO
7 CODE, TO PROVIDE FOR CHILDREN AND LEGAL SERVICES FUND GRANTS BY THE
8 SUPREME COURT; AND AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE AD-
9 DITION OF A NEW SECTION 1-1628, IDAHO CODE, TO PROVIDE AN ADDITIONAL FEE
10 FOR FILING AN ACTION FOR DIVORCE, CUSTODY, CHILD SUPPORT, PATERNITY,
11 LEGAL SEPARATION AND ANY ACTIONS TO REOPEN OR MODIFY SUCH ACTIONS OR
12 FOR FILING AN INITIAL APPEARANCE, CROSS-CLAIM OR COUNTER CLAIM, OR FOR
13 FILING AN INITIAL APPEARANCE, CROSS-CLAIM OR COUNTER CLAIM IN ANY SUCH
14 PROCEEDING TO BE DEPOSITED IN THE CHILDREN AND FAMILIES LEGAL SERVICES
15 FUND.
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17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 1. That Chapter 16, Title 1, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 1-1626, Idaho Code, and to read as follows:

21 1-1626. CHILDREN AND FAMILIES LEGAL SERVICES FUND. (1) There is
22 hereby created in the state treasury the children and families legal ser-
23 vices fund.

24 (2) The fund shall consist of:

25 (a) Moneys deposited into the fund pursuant to section 1-1628, Idaho
26 Code;

27 (b) Funds as may be appropriated by the legislature; and

28 (c) Grants, donations and moneys from other sources.

29 (3) The fund shall be administered by the Idaho supreme court, and mon-
30 eys in the fund shall be used to provide legal representation to low-income
31 families and children of low-income families for the purposes provided in
32 section 1-1627, Idaho Code. The supreme court shall have no accounting
33 or audit responsibility with regard to such funds but, in order to provide
34 proper oversight and accounting for such funds, the supreme court may enter
35 into agreements with the Idaho state bar or the Idaho law foundation, inc.,
36 to award, administer and audit grants made pursuant to section 1-1627, Idaho
37 Code. Moneys in the fund may be allowed to accumulate from year to year,
38 and interest earned on the investment of idle moneys in the fund shall be
39 returned to the fund.

40 (4) Disbursements of money from the fund shall be by appropriation by
41 the legislature to the supreme court, and such appropriated moneys shall

1 be used for carrying out the provisions of this section and section 1-1627,
2 Idaho Code.

3 SECTION 2. That Chapter 16, Title 1, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 1-1627, Idaho Code, and to read as follows:

6 1-1627. CHILDREN AND FAMILIES LEGAL SERVICES FUND GRANTS. (1) The
7 supreme court is authorized to award funds from the moneys available in the
8 children and families legal services fund that have been appropriated by the
9 legislature for the purposes specified in this section.

10 (2) Funds shall be awarded to Idaho legal aid services for the purpose
11 of providing free legal representation and advocacy to low-income families
12 and children of low-income families in civil matters concerning domestic
13 violence, abused and neglected children, elder care and exploitation, and
14 foreclosure and veteran's issues.

15 (3) Funds may not be used for class action lawsuits, criminal cases,
16 representation of persons who are incarcerated, cases concerning abortion
17 or reproductive issues, representation of undocumented persons, or lawsuits
18 against the state of Idaho or its political subdivisions.

19 (4) Idaho legal aid services is directed to provide annually a report to
20 the legislature reflecting an accounting of expenditures of funds received
21 pursuant to this section.

22 SECTION 3. That Chapter 16, Title 1, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 1-1628, Idaho Code, and to read as follows:

25 1-1628. DOMESTIC RELATIONS FILING FEE AND DEPOSIT IN CHILDREN AND FAM-
26 ILIES LEGAL SERVICES FUND. In addition to any other fee imposed for filing a
27 domestic relations action, including an action for divorce, custody, child
28 support, paternity, legal separation and any actions to reopen or modify
29 such actions or for filing an initial appearance, cross-claim or counter
30 claim in any such proceeding by persons other than the plaintiff or peti-
31 tioner, there shall be collected a fee of twenty dollars (\$20.00) for each
32 such proceeding, separately identified, which additional fee shall be re-
33 mitted to the state treasurer for credit to the children and families legal
34 services fund created in section 1-1626, Idaho code.