

Senate Bill 612

Sponsored by Senator BROWN (at the request of Mark Kramer)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires court to appoint attorney for child in certain domestic relations proceedings if child's best interests are not adequately represented.

A BILL FOR AN ACT

1
2 Relating to children in domestic relations proceedings.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) In a proceeding under ORS 109.119, if the court finds that a party has**
5 **established a prima facie case of a child-parent relationship and if custody of the child is at**
6 **issue, the court shall appoint an attorney to represent the child.**

7 **(2) Notwithstanding subsection (1) of this section, the court is not required to appoint**
8 **an attorney for the child if the court makes written findings that the best interests of the**
9 **child are adequately represented by attorneys for the parties or by persons appointed by the**
10 **court under ORS 107.425.**

11 **(3) Unless an attorney has accepted a pro bono appointment under this section, the court**
12 **shall assess and apportion among the parties to the proceeding a fee for the appointed at-**
13 **torney's services. The fee must reflect the attorney's services and the attorney's rates for**
14 **services under this section. The fee may not be charged against funds appropriated for public**
15 **defense services.**

16 **(4) The presiding judge of each judicial district shall:**

17 **(a) Establish qualifications for attorneys appointed under this section. In establishing**
18 **qualifications, the presiding judge shall take into consideration any guidelines recommended**
19 **by the statewide family law advisory committee.**

20 **(b) Establish a list of qualified attorneys willing to accept pro bono appointments or ap-**
21 **pointments under a modest means program of the Oregon State Bar. However, a court may**
22 **appoint an attorney who is not on the list when:**

23 **(A) The court determines the appointment is appropriate under the circumstances; or**

24 **(B) The parties agree upon and nominate an attorney who is not on the list.**

25 **SECTION 2. Section 1 of this 2007 Act is added to and made a part of ORS chapter 109.**
26

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.