

IN THE SENATE

SENATE BILL NO. 1094

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE CHILDREN AND FAMILIES LEGAL SERVICES FUND; AMENDING CHAP-
2 TER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1626,
3 IDAHO CODE, TO CREATE THE CHILDREN AND FAMILIES LEGAL SERVICES FUND IN
4 THE STATE TREASURY, TO PROVIDE FOR WHAT MONEYS SHALL BE IN THE FUND, TO
5 PROVIDE FOR HOW MONEYS IN THE FUND MAY BE EXPENDED, AND TO PROVIDE CER-
6 TAIN CONDITIONS; AND AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE
7 ADDITION OF A NEW SECTION 1-1627, IDAHO CODE, TO PROVIDE FOR CHILDREN
8 AND FAMILIES LEGAL SERVICES FUND GRANTS BY THE SUPREME COURT AND TO PRO-
9 VIDE CONDITIONS.
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11 Be It Enacted by the Legislature of the State of Idaho:

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

15 1-1626. CHILDREN AND FAMILIES LEGAL SERVICES FUND. (1) There is
16 hereby created in the state treasury the children and families legal ser-
17 vices fund.

18 (2) The fund shall consist of:

19 (a) Funds as may be appropriated by the legislature; and

20 (b) Grants, donations, and moneys from other sources.

21 (3) The fund shall be administered by the Idaho supreme court, and mon-
22 eys in the fund shall be used to provide legal representation to low-income
23 families and children of low-income families for the purposes provided in
24 section 1-1627, Idaho Code. The supreme court shall have no accounting
25 or audit responsibility with regard to such funds but, in order to provide
26 proper oversight and accounting for such funds, the supreme court may en-
27 ter into agreements with the Idaho state bar or the Idaho law foundation to
28 award, administer, and audit grants made pursuant to section 1-1627, Idaho
29 Code. Moneys in the fund may be allowed to accumulate from year to year,
30 and interest earned on the investment of idle moneys in the fund shall be
31 returned to the fund.

32 (4) Moneys from the fund shall be appropriated by the legislature to the
33 supreme court, and such appropriated moneys shall be used for carrying out
34 the provisions of this section and section 1-1627, Idaho Code.

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

38 1-1627. CHILDREN AND FAMILIES LEGAL SERVICES FUND GRANTS. (1) The
39 supreme court is authorized to award funds from the moneys available in the

1 children and families legal services fund that have been appropriated by the
2 legislature for the purposes specified in this section.

3 (2) Funds shall be awarded to Idaho legal aid services only for the pur-
4 pose of providing free legal representation and advocacy to low-income fami-
5 lies and children of low-income families in civil matters concerning domes-
6 tic violence, sexual assault, stalking, abused and neglected children, and
7 senior abuse and exploitation.

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

12 (4) Idaho legal aid services is directed to provide an annual report to
13 the legislature reflecting an accounting of expenditures of funds received
14 pursuant to this section.