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Senate Bill 113 amends Section 32A-5-3 NMSA 1978 (Adoption Act) to delete language that requires requests to be filed with the court at least thirty days prior to placement (physical transfer) of adopted children; deletes a definition of “*putative father*”; provides that an “*alleged father*” is not required to consent to an adoption or relinquish parental rights; and provides that an “*alleged father*” is not required to receive notice of adoption proceedings.

FISCAL IMPLICATIONS

The Administrative Office of the Courts stated that SB113 has minimal fiscal impact on the judiciary itself, but they are concerned about the limited resources available for court-appointed attorneys.

OTHER SUBSTANTIVE ISSUES

SB113 allows the court to appoint an attorney for a parent only if that person is indigent. This bill sets the attorney compensation at the rate determined by the supreme court for court-appointed attorneys. The court-appointed attorney fund has very limited resources to pay for needed services in other court proceedings.

If a natural parent does not have adequate notice and opportunity to be heard concerning an adoption proceeding, the adoption may be challenged. Also, such uncertainty may not be in the best interest of the child.

POSSIBLE QUESTIONS

1. Why should a court- appointed attorney only be provided to an indigent parent when the court previously had the discretion to appoint counsel in any case “in the interest of justice”?
2. What happens if the indigent person cannot afford to pay the fee established by the court for an appointed attorney?

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