

31.065 Local office in county with less than ten Circuit Judges discretionary -- Methods of delivering services -- Requirements if county elects -- Department's responsibility if county does not elect.

- (1) (a) The fiscal court of each county or legislative body of an urban-county, charter county, or consolidated local government, except a county, urban-county, charter county, or consolidated local government wherein the judicial district is required to maintain a public advocate under this chapter, may provide for the representation of needy persons by:
 1. Contracting with one (1) or more attorneys, professional service corporations, nonprofit organizations, or an association of attorneys to provide the legal services required in this chapter, provided there are suitable attorneys available willing to provide these services for reasonable compensation;
 2. Establishing and maintaining an office of public advocacy; or
 3. Adopting any combination of the options provided for in subparagraphs 1. and 2. of this paragraph.
 - (b) The fiscal court of a county or the legislative body of an urban-county, charter county, or consolidated local government may join with one (1) or more other counties, urban-counties, charter counties, or consolidated local governments in its judicial district or elsewhere or with any cities located within the county, urban-county, charter county, or consolidated local government or counties, urban-counties, charter counties, or consolidated local governments in providing this representation. These agreements shall be made pursuant to the provisions of KRS Chapter 65.
 - (c) If it elects to establish and maintain an office of public advocacy, and if the appropriate legislative authorities and fiscal courts concerned respectively agree on qualifications, term of office, compensation, support, and appointment under KRS 31.071(1), the fiscal court of a county or the legislative body of an urban-county, charter county, or consolidated local government may join with cities within the county, urban-county, charter county, or consolidated local government and with the legislative body of one (1) or more other counties, urban-counties, charter counties, or consolidated local governments to establish and maintain a joint office of public advocacy. In that case, the participating counties, urban-counties, charter counties, or consolidated local governments shall be treated for the purposes of this chapter as if they were one (1) county, urban-county, charter county, or consolidated local government. The agreements shall be made pursuant to the provisions of KRS Chapter 65.
- (2) If a county, urban-county, charter county, or consolidated local government chooses not to submit a plan under subsection (1) of this section, or if a plan submitted to the public advocate is denied as provided by KRS 31.050, then the public advocate may establish for a county containing less than ten (10) Circuit Judges or a group of counties a local public advocacy system by:

- (a) Contracting with one (1) or more attorneys, professional service corporations, nonprofit organizations, or an association of attorneys to provide the legal services required in this chapter; provided there are suitable attorneys available who are willing to provide those services for reasonable compensation; or
- (b) Providing an office of public advocacy, which shall be staffed by an assistant public advocate who directs the office and who shall be an attorney, and any number of assistant public advocates and other personnel necessary to perform adequately the functions of said office.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 283, sec. 7, effective July 15, 2002. -- Amended 1982 Ky. Acts ch. 377, sec. 3, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 155, sec. 24. -- Created 1974 Ky. Acts ch. 358, sec. 8.