



PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM

779 Route 4
Sinajaña, Guam 96910-5174
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844



BOARD OF TRUSTEES

Hon. Robert J. Torres, Jr.
Chairman

Hon. Alberto C. Lamorena, III
Vice-Chairman

Atty. Jacqueline T. Terlaje
Member

Mrs. Donna R. Muña Quinata
Member

Dr. KristiAnna S. Whitman
Member

ADMINISTRATION

Stephen P. Hattori
Executive Director

John P. Morrison
Deputy Director

Cathyann C. Gogue
Administrative Director

Board of Trustees' Regular Scheduled Meeting

Tuesday, June 27, 2023 – 12:30 p.m.

Via Video Conferencing: Zoom & YouTube

A G E N D A

I. Call to Order

II. Roll Call

III. Determination of Quorum

IV. Proof of Due Notice of Meeting:

- A. **Notice:** 5 Working Days, DOA/PDSC/Guam PDN Tuesday, June 20, 2023
- B. **Notice:** 48 Hours, DOA/PDSC/Guam PDN Friday, June 23, 2023

V. Approval of Minutes: Regular Scheduled Meeting of April 25, 2023

VI. Old Business

- A. Financial Status Update / Allotment Releases (PDSC, APD, CLC)
- B. Report from PDSC Executive Director (EXHIBIT A)
- C. Report from APD Managing Attorney (EXHIBIT B)
- D. Report from CLC Managing Attorney (EXHIBIT C)
- E. PDSC FY2024 Budget Review (EXHIBIT D)
- F. Client Income Guidelines (EXHIBIT E)

VII. New Business

VIII. Public Discussion

IX. Adjournment and Next Meeting Date: Tuesday, August 22, 2023 at 12:30 PM

Guam Board of Nurse Examiners Regular Virtual Board Meeting Thursday, June 22, 2023 at 3:00 PM

Join Zoom Meeting
<https://us06web.zoom.us/j/85984647687?pwd=dkVxdCs1Ly9za2Z2N2VduYUFYXmRkUT09>
 Meeting ID: 859 8464 7687
 Passcode: 628735

- I. CALL TO ORDER
- II. PROOF OF PUBLICATION
- III. ROLL CALL
- IV. ADOPTION OF AGENDA
- V. APPROVAL OF MINUTES
- VI. CHAIRPERSON'S REPORT
- VII. TREASURER'S REPORT
- VIII. COMMITTEE REPORTS
- IX. NURSING EDUCATION
- X. ADMINISTRATOR'S REPORT

a) Community Health Member Resignation (K. Fernandez) and Treasurer Election

b) Education Fees

c) GBNE Complaints:

- 1) GBNE-CO-20-007/1, 2, 3, 4, 6 & 7
- 2) GBNE-CO-22-003
- 3) GBNE-CO-23-001

XI. OLD BUSINESS

a) Public Law 117-333

"Section 19. Portability of Professional Licenses of Members of the Uniformed Services and their Spouses." And Section 705A. "Portability of Professional Licenses of Servicemembers and their spouses." Form for Guam Licensing.

XII. NEW BUSINESS

- a) Patients Transported
- b) Temporary Work Permits
- c) Examination Applications
- d) Endorsement Applications
- e) APRN Applications
- f) Prescriptive Authority Applications
- g) Renewals

XIII. ANNOUNCEMENTS

XIV. ADJOURNMENT

To view the names of the applicants being considered, go to: <https://guamhpl.org/gbne>

To view the LIVE Streaming link: <https://facebook.com/HPL0Guam>

For more information, please contact the Board office at (671) 735-7409-12. Persons needing a telecommunication device for the Hearing/Speech Impaired (TDD) may contact (671) 475-8339.

This advertisement was paid for by DPHSS/Health Professional Licensing Office - Local Funds.

Micah

Continued from Page 16

feel that one or two more amateur fights should be enough to sharpen the tools before moving up. By then, he would already have about four years of cage experience since his first fight was just a week

after his 17th birthday.

"I think we both are on the same page as far as that is concerned. I'm happy that we both feel the same way regarding that move."

Still honing his skills, he likes to emulate the styles of Alex Volkanovski and Demetrious Johnson. Micah was pleasantly surprised to know that Volkanovski fought on Guam

on his way to becoming a UFC champion. Growing up, his favorite fighter was George St. Pierre.

Micah can't wait to visit his roots. He says the family has been waiting for twin brothers Maximus and

Miliano to get a little older. Now that they are 10, the next year or so will be the right time to make the trip to Guam.

Pacific Daily News reporter Jojo Santo Tomas covers sports and food. Email him at jsantotoma@guampdn.com.

NOTICE OF PUBLIC MEETING

Public Defender Service Corporation's Board of Trustees will have a meeting **Tuesday, June 27, 2023 at 12:30 PM** in the PDSC conference room of the Public Defender Service Corporation, located at MVP Sinajaña Commercial Building, Unit B, 779 Route 4, Sinajaña, Guam 96910. A workstation is set up in the Corporation's lobby for any member of the public who would like to observe and offer comments. The meeting will be held via video conferencing and a link to the meeting is available through the PDSC website (guampdsc.org) or PDSC YouTube Channel https://www.youtube.com/channel/UCOMLDJGGsY_Y9gzAILT6mw.

Agenda: I. Call to Order; II. Roll Call; III. Determination of Quorum; IV. Proof of Due Notice of Meeting; A. Notice: 5 Working Days, DOA/PDSC/Guam PDN - Tuesday, June 20, 2023; B. Notice: 48 Hours, DOA/PDSC/Guam PDN - Friday, June 23, 2023; V. Approval of Minutes: Regular Scheduled Meeting of April 25, 2023; VI. Old Business: A. Financial Status Update/Allotment Releases (PDSC, APD, CLC); B. Report from PDSC Executive Director; C. Report from APD Managing Attorney; D. Report from Civil Law Center Managing Attorney; E. PDSC FY2024 Budget Review; F. Client Income Guidelines; VII. New Business; VIII. Public Discussion; and IX. Adjournment and Next Meeting Date: Tuesday, August 22, 2023 at 12:30pm.

Copies of the agenda and meeting packet will be available prior to the meeting at the Public Defender Service Corporation's office or on their website at www.guampdsc.org. Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 671-475-3100. Publication of Notice is paid for by government of Guam funds.

CHIEF JUSTICE ROBERT J. TORRES
 Chairman



Bring A FRIEND (New Member) and BOTH RECEIVE 25Pkgs FREE

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TUESDAY JUNE 20

BINGO TIME AT FREEDOM PARK

743 Chalan San Antonio, Tamuning, GU 96913
 (671) 588-8888 **OPEN DAILY**
 DOORS OPEN AT 4:30 PM - GAMES START AT 7:30 PM

Food by GRILL SGT

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 Buy 2 Get 1 FREE Same Bundle

SPECIAL
 Buy 1 Get 1 FREE (BOGO) After ANY Initial Set Buy-in

We thank you for your patience and understanding as we continue our repairs and improvements.

BEST VALUE DEALS (All In)

Champion (110 Pkgs)
 2 HB, 5 Early Bird, 5 Patriot Star, 5 Halftime, 5 Half Blackout, 1 Legacy Jackpot **\$30**

Legend (150 Pkgs)
 2 HB, 8 Early Bird, 8 Patriot Star, 8 Halftime, 8 Half Blackout, 2 Legacy Jackpot **\$35**

LEGACY COVERALL

\$10,000

53#s OR LESS (Consolation \$1,000)

PATRIOT STAR

\$5,000

24#s or less (Consolation \$500)

HALF BLACKOUT

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6:00 PM	\$100
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7:00 PM	\$200

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15 Tuesday, June 20, 2023

THE PACIFIC DAILY NEWS

[guampdn.com](http://www.guampdn.com)

Golf

Continued from Page 20

either Sonoma State (DII) or UC-Davis (DI) this fall.

Louie Sunga holds on to second place after rounds

of 77-78, while Nalapon Vongjalorn sits in third place three strokes back.

Eugene Park and Redge Camacho made big moves, both bettering their scores by 10 strokes from Saturday.

Women's Division

She's just 15, but Tyanna Jacot is on a whole different level, shooting back-to-back even par rounds this weekend.

Her main goal coming

into the second round was to shoot under, but couldn't quite get to it on a windy day.

"I just couldn't get the birdies on the last couple of holes," said the incoming sophomore at St. John's. "I had that one bogey, and that would've been my one-under, but that's alright. My chipping (was working)

and also my putting, which I didn't have yesterday."

With an insurmountable 17-stroke lead, Jacot is now competing within herself and said she's aiming for a four-under final round. "That's the goal."

The ageless Tessie Blair jumped into a tie for second place with a solid 78 on Sunday.



INVITATION FOR MULTI-STEP SEALED BIDS UOG IFB NO. B23-01

The University is soliciting through this **INVITATION FOR MULTI-STEP SEALED BIDS** for **CONSTRUCTION SERVICES** to implement its U.S. Department of Commerce - Economic Development Administration (EDA) Grant **Award No. 07 79 07557** for the **University of Guam Scientific Education & Research Facilities Construction Project**.

The EDA grant supports the construction of two (2) facilities on two (2) separate site on UOG's Mangilao campus for scientific educational and research uses. The authorized **Scope of Work** is for construction of a new 3-Story **WATER & ENVIRONMENTAL RESEARCH INSTITUTE (WERI)** facility and a new 2-Story **SCHOOL OF NURSING ANNEX (EXTENSION)** facility.

Copies of the Bid Package, Instructions, and Information may be obtained from:

OFFICE: UOG CONSOLIDATED PROCUREMENT OFFICE
TELEPHONE NO.: (671) 735-2925
FAX NO.: (671) 735-3010
LOCATION: UOG Administration Building (Annex Building) Mangilao, Guam
E-MAIL ADDRESS: uog.bids@triton.uog.edu

In accordance with 5 G.C.A. §5220(a), a digital copy of this solicitation shall be posted on UOG's website at <https://www.uog.edu/procurement/> or send us a message for assistance at uog.bids@triton.uog.edu. No fees shall be assessed from potential bidders or other interested parties who accessed or downloaded a copy of this solicitation from UOG's website.

A non-refundable fee of \$25.00 is required to obtain a hard copy of this solicitation's bid package on a CD disk. Payment may be made via cash, check, or credit card at the UOG Business Office, Cashier Services located at the UOG's Business Office in the Administration Building, Mon-Fri from 8 am - 4 pm. Payment by phone is available from 8:00 am - 4:00 pm. You may schedule an appointment with our cashier services at 735-2923/45/46 If necessary. When making payment for the hard copy of this solicitation, please ask the cashier to reference the UOG Bid number, bid title, and your company's name on the receipt's subject line. Send proof of the payment receipt to the UOG Procurement Office to coordinate the pick-up of your hard copy set (CD disk).

Registration of your contact information for the Bid Registry is mandatory to ensure you receive any future notices regarding any changes or updates to this solicitation. In accordance with 5 G.C.A. §5220(b), UOG shall not be liable for failure to provide such notices to any party who accessed or downloaded a copy of this solicitation from UOG's website and who failed to register their contact information with UOG as required herein.

FEDERAL PARTICIPATION DISCLOSURE: "THIS PROJECT WILL BE PARTIALLY FUNDED WITH FEDERAL FUNDS FROM THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) AND THEREFORE IS SUBJECT TO THE FEDERAL LAWS AND REGULATIONS ASSOCIATED WITH THAT PROGRAM."

This **Invitation for Multi-Step (Sealed) BIDS** contains two phases. **Phase ONE** is for submission of the **TECHNICAL QUALIFICATION Offers** that will determine each Bidder's status as being either "**ACCEPTABLE, POTENTIALLY ACCEPTABLE, OR UNACCEPTABLE**" to participate in the next phase. **Phase TWO** is for the submission of the **Sealed (Priced) BID Offer** from **ONLY** the **Acceptable Bidders**.

NOTICE TO ALL INTERESTED BIDDERS: UOG WILL NOT BE ACCEPTING ANY ALTERNATE BIDS - ONLY THE BASIC BID. The last day for UOG to accept **WRITTEN QUESTIONS** and/or **CLARIFICATIONS** is ten (10) calendar days **BEFORE** the deadline. Please adjust the date accordingly if the deadline is extended.

A **PRE-BID CONFERENCE (PBC)** and **SITE VISIT** is scheduled for **FRIDAY, JUNE 9, 2023 at 10:00 AM in Classroom 131** at the UOG **Jesus & Eugenia Leon Guerrero - School of Business & Public Administration Building**. Attendance at this Pre-Bid Conference (PBC) is NOT required for participation in this IFB. During the PBC - attendees will be asked to sign-in for their attendance and to sign-up for the Site Visit to the project sites if they are interested in following along afterwards.

JUNE 9, 2023, 10:00 AM, PRE-BID CONFERENCE HAS BEEN RESCHEDULED TO FRIDAY, JUNE 23, 2023, 10:00 AM, JELG-SBPA ROOM 131.

DEADLINE FOR SUBMISSION for **PHASE ONE (Technical Offer)** is on **FRIDAY, JUNE 30, 2023, ON OR BEFORE 2:00 P.M.** via electronic submission to electronic Bid Share folder provided by UOG Procurement Office. The University will issue written letters to all *Offerors* from *Phase One* regarding their determination as being one of the following: **Acceptable, Potentially Acceptable, or Unacceptable** NO LATER THAN 5:00 p.m. ON **FRIDAY, JULY 7, 2023.**

DEADLINE FOR SUBMISSION for **PHASE TWO (Sealed BID Offer)** is on **THURSDAY, JULY 20, 2023, ON OR BEFORE 2:00 P.M.** via electronic submission to electronic Bid Share folder provided by UOG Procurement Office. The original BID documents along with Bid Security/Bond must be dropped off to the Procurement Office before the bid submission deadline. **DEADLINE FOR SUBMISSION** for **PHASE TWO (Sealed BID Offer)** is on **THURSDAY, JULY 20, 2023, ON OR BEFORE 2:00 P.M.** via electronic submission to electronic Bid Share folder provided by UOG Procurement Office. The original BID documents along with Bid Security/Bond must be dropped off to the Procurement Office before the bid submission deadline.

/S/ THOMAS W. KRISE, PH.D., PRESIDENT

University of Guam is an equal opportunity employer and provider.
This Advertisement is paid with University of Guam Funds.

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CHIEF JUSTICE ROBERT J. TORRES
Chairman



GUAM PAROLE BOARD

Government of Guam
P.O. Box 3236
Hagatna, Guam 96932
Tel: (671) 735-4132/33
Fax: (671) 734-4051

Stephen J. Guerrero
Chairman
Lina N.B. McDaniel
Member
June G. Borja
Member
John Q. Lizama
Member

Guam Parole Board's regular scheduled hearing will be on **Thursday, June 29, 2023, 4:00 p.m.**, at the Parole Services Division Office, #203 Aspinall Avenue, Hagatna, Guam.

AGENDA I. Call to Order, II. Roll Call, III. Old Business April 27, 2023 (Parole Desirability Cases for Redtwelve Tfung, Greg Samuel, Jose Baza, Joseph Sakura, Ruben Yoshio, George Rachulap Jr.), IV. Old Business May 25, 2023 (Parole Desirability Cases for Joseph Elibosang, Calvin Anderson, Charmi Retuyan, Lucian George, Minorichy Rugante, Matthew Santos, Joseph Palomo), (Preliminary Revocation Cases for John McCord, Justin Huhe, Benny Chenguina, Steven Cruz), V. New Business (Parole Desirability Cases for Jonavan Cruz, Eric Duenas, Eric Flores, Jonathan Mataga, Edward Meno, Richard Naputi, Peter Tainatongo, Elvis Taitague, Raymond Valerio, Gino Uchellas), (Preliminary Revocation Case for Yolanda Megofna, Brian Leon Guerrero, Corina Tedtaotao, Rapahel Hutton), Off-Island Unsupervised Parole for Jeffrey Baluyot

Guam Pardon Review Board's regular scheduled meeting will be on **Thursday, June 29, 2023, 3:00 p.m.**, at the Parole Services Division Office, #203 Aspinall Avenue, Hagatna, Guam.

AGENDA I. Call to Order, II. Roll Call, III. Old Business April 27, 2023 (Pardon Request Case for Anthony Babauta, Jeffrey Cruz, Richard Quinata, Zarackai Patrick), IV. New Business (Pardon/Commutation Case None scheduled at this time), V. Deliberation, VI. Adjourn

Meeting ID: 856 8877 1596 Passcode: 556746. To attend the hearing, we ask that you register via guamparoleboard@doc.guam.gov. For individuals requiring special accommodations, please contact the Parole Services Division at (671)735- 4132/33 for assistance. This ad was paid for by the Corrections Revolving Fund.



Pacific Daily News

June 23, 2023

CERTIFICATE OF PUBLICATION

TO WHOM IT MAY CONCERN:

The undersigned hereby certifies that the attached Proof of Publication of which is herewith enclosed and attached thereto, was published in the **PACIFIC DAILY NEWS** E-edition and on Cool FM the following day(s):

June 20, 2023

June 23, 2023

Subject Matter Published: Board of Trustees Meeting Notice

Name of Applicant: Public Defender Service Corporation

Alejandria Slone
Print and Digital Account Manager
Mobile: (671) 483-3214

PUBLIC DEFENDER SERVICE CORPORATION
Board of Trustees' Meeting
Tuesday, April 25, 2023 – 12:30 PM
via Video Conferencing - Zoom
Public Defender Service Corporation Conference Room

MINUTES

I. CALL TO ORDER

The meeting was called to order at 12:30 p.m. on April 25, 2023 by Chairman Chief Justice Robert J. Torres.

II. ROLL CALL

Present: Chief Justice Robert J. Torres, Chairman
Presiding Judge Alberto C. Lamorena, III, Vice Chairman
Trustee Donna M. Quinata, Member
Trustee KristiAnna Whitman, Member
Attorney Jacque T. Terlaje, GBA President, Member

Others Present: Stephen P. Hattori, Executive Director
John P. Morrison, Deputy Director
Ana Maria Gayle, APD Managing Attorney
Cathynn Gogue, Administrative Director
Michael Moreno, Chief Fiscal Officer
Katherine Sablan, Personnel Specialist
Kenneth Lim, Network Specialist
Audre K. Hattori, APD Management Officer
Carol Hinkle-Sanchez, Civil Law Center Managing Attorney
Gwendolyn Diego, Civil Law Center Special Projects Coordinator
David Castro, Guam Daily Post
Senator Tina Muna-Barnes, Vice-Speaker, Guam Legislature
StaceyAnn Cruz, Legal Secretary III

III. DETERMINATION OF QUORUM

With the presence of four (4) out of the five (5) board members, a quorum was determined for the meeting to proceed.

IV. PROOF OF DUE NOTICE OF MEETINGS

“Notice of Public Meeting” was published in the Pacific Daily News on Tuesday, April 18, 2023 and Friday, April 21, 2023.

V. APPROVAL OF MINUTES

Chairman Chief Justice Torres stated they will proceed with the approval of the minutes of the regular board meeting of March 28, 2023.

Motion to adopt the minutes subject to correction was made by Presiding Judge Lamorena and seconded by Trustee Quinata. Approved by acclamation.

VI. **OLD BUSINESS**

A. **FINANCIAL STATUS UPDATE/ALLOTMENT RELEASES (PDSC, APD, CLC)**

CFO Moreno reported that a first allotment for April was received on April 12th. Both PDSC and APD are at 94%. Another release is expected this week.

Access to Counsel Grant expenditures are at \$20,000 as of March 2023 leaving an encumbered and unexpended balance of \$5,800. Second quarter invoices up to March have been submitted. Drawdown responses have not been received but PDSC will continue to follow-up.

Presently there are three funding sources for the Domestic Violence Program. STOP 2021 has a balance of \$20,600 which will be exhausted in June 2023. The balance for Improving Criminal Justice Response grant as of March 31, 2023 is \$111,000 and will be used after STOP 2021 is exhausted. An extension request for September 2024 has been submitted with no response as of this meeting. Additional funding was supplemented by the Governor's Community Outreach – Federal Programs Office for travel and training in Hawaii; however, those funds were rerouted towards travel and training in Dallas, TX. This additional funding should be exhausted by May 2023.

The Elder Justice Center received full payments for October to December of 2022 and partial payment for January 2023. PDSC is regularly requesting updates from the Department of Public Health and Social Services, Division of Senior Citizens regarding reimbursements.

Chief Justice Torres asked if a back-up plan is in place should ICJR funding not be extended. CFO Moreno stated there is no back-up plan, but was advised by GCO-FPO they will push for the extension. Chief Justice Torres advised that PDSC be prepared in the event the request for the extension is not approved. CFO Moreno stated GCO-FPO will be contacted for an update.

Trustee Whitman joined the meeting.

B. **REPORT FROM PDSC EXECUTIVE DIRECTOR**

ED Hattori reported the Sixth Amendment Center continues its interviews and they hope to come to Guam. PDSC is also trying to set up a defense-oriented training later in the year and was hoping to partner with Federal Public Defender, but FPD decided not to participate. Two speakers have been asked to attend the training, as

well as a former investigator-turned-attorney. October is the anticipated training date.

PDSC continues to work on its income guidelines. PDSC also testified at the Legislature regarding attorney pay parity. ED Hattori thanked Chief Justice Torres and GBA President Terlaje for their support. He then stated that PDSC attorney G. Rudolph will be joining the OAG's Prosecution division. He further indicated that people are recruiting PDSC attorneys, so PDSC is staying on top of the attorney pay parity bill. Chief Justice Torres stated there has been a significant decrease in applications for research attorneys and law clerks compared to prior years and pay is one of the those factors.

C. REPORT FROM APD MANAGING ATTORNEY

MA Gayle thanked Trustee Terlaje and Chief Justice Torres for their testimony and support of the attorney pay parity bill. She indicated APD's statistics were not included in this meeting's packet, but she offered to report on the statistics unless Chief Justice Torres would like to defer to the next meeting so they could focus on the budget, to which he agreed.

D. REPORT FROM CLC MANAGING ATTORNEY

MA Hinkle-Sanchez reported that CLC numbers have gone up. They will be breaking down its statistics a little more, so there is a better picture as to the amount of intake coming in as well as what they have had to decline and refer elsewhere. MA Hinkle-Sanchez also shared the same sentiments as ED Hattori and MA Gayle in thanking everyone who supported the attorney pay parity bill. She reported CLC continues to work on developing a better needs assessment within each of the populations they serve, so they can see what services are needed. Some of these numbers can be seen in the Received Requests category.

VII. NEW BUSINESS

A. PDSC FY2024 BUDGET REQUEST (RESOLUTION 08-23)

AD Gogue shared comparisons from FY2021 to FY2024. FY2024's request is \$6.7 million. The authorized amount for FY2023 was \$6.4 million. Compared to the General Fund, PDSC's FY2024 budget is .00872%. Personnel will take up 88% to include \$4.2 million in Salaries, Increments and Special Pay, \$1.3 million in Benefits and \$367,928 in Insurance while Operations is at 12%. Using an Investigator II position as a sample for Organic Growth, the total comes out to \$312,975 with 64 employees. Chief Justice Torres inquired if the Organic Growth amount includes the 18% law enforcement increase which AD Gogue said is included in a later part of the presentation. She continued her comparison with attorney salaries in various government of Guam agencies inclusive of a 15% increase. The total cost for Personnel with pay adjustments comes out to \$5.9 million.

Regarding Operations, there is a 97% increase in Contractual Services. Chief Justice Torres asked for more information to which AD Gogue stated a bulk of it is for PDSC's case management system, Abacus, which they plan to transition to the cloud due to past hackers and system crashes. The increase also includes costs for malpractice insurance, Westlaw, Access to Counsel Program and a vehicle lease. Chief Justice Torres stated those amounts still do not add up to the requested increase. Chief Justice Torres indicated the FY2022 expenditure was \$234,025, but the FY2023 authorized amount for contractual services was \$161,159. Trustee Terlaje asked whether the same budget schedule for FY 2023 was available. AD Gogue responded they did not have it, but they do make those comparisons when the budget is prepared. Trustee Terlaje was able to pull up FY2023's BOT packet, and noted it would be good to have them reviewed side by side. AD Gogue indicated they will have that available to the Board. AD Gogue further indicated PDSC is looking at a \$245,723 increase in operations for FY2024, with the total increase in Personnel and Operations at \$767,218 (13% increase).

Going back to Organic Growth, Chief Justice Torres indicated it was imprecise, noting that Organic Growth is growth and expenses incurred as a result of the current state of the law. He indicated that for the summary for Personnel Cost FY2024, he would show all the salary and pay adjustments that are required by law (Organic Growth), then show the 15% for the attorneys separately.

Chief Justice Torres asked CFO Moreno for a breakdown of the total salary for the employees for FY2024. CFO Moreno indicated that would be the staffing pattern for everybody. Chief Justice Torres indicated this is what is needed to be approved, plus the benefits, then the merit bonuses and then the adjustments for the attorneys, subject to the passage of the bill and appropriations. CFO Moreno responded the numbers are all on the staffing patterns, with Chief Justice Torres indicating this will be the Personnel Costs.

Chief Justice Torres asked when the budget needed to be approved and submitted. AD Gogue indicated it was due Thursday (April 27, 2023). Chief Justice Torres indicated he wanted to ensure they are approving a budget that takes into consideration all the salaries and benefits that are required to be paid by law for all the employees. He indicated the proper way to ascertain the total amount is the staffing pattern after the increases.

AD Gogue showed the proposed staffing pattern with all the raises. Chief Justice Torres indicated to rely on the staffing pattern instead of the numbers noted on the Personnel Cost 2024. Chief Justice Torres noted CFO Moreno needs to run the numbers and show the total amount of salaries and benefits. AD Gogue continued with the budget presentation and concluded PDSC's budget request is \$5,994,768 for Personnel and \$802,739 for Operations.

Trustee Terlaje inquired if ED Hattori's increment has been factored in as it has not been in prior years. AD Gogue confirmed he has not received an increment in almost seven years aside from the 6% that was recently given to all non-law enforcement staff. Trustee Terlaje also shared that the Guam Bar Association approved an annual dues

increase for active members from \$300 to \$450 and PDSC should anticipate and include this in the budget.

Trustee Terlaje thereafter shared in the chat box a chart comparing FY2023 and FY2024 Contractual Services. She noted a discrepancy she would like addressed to understand the 97% increase before the Board can approve the budget. AD Gogue clarified the numbers Trustee Terlaje referred to are not a true reflection of expenditures and that FY2022 expenditures show a more accurate projection. Chief Justice Torres also inquired about expenditures, to include FY2023, versus actual authorized amounts. CFO Moreno stated that because PDSC's requested amounts were never fully authorized they have had to reduce each line item budget. AD Gogue continued that prior year lapses for both PDSC and APD have been used to cover shortages. Chief Justice Torres noted PDSC needs to be able to compare the actual expenditures with the expected expenditures. He pointed out the Guam Bar dues increase. He further asked that moving forward the budget information and slides be provided to the Board as least a week in advance. AD Gogue concluded the total amount requested is \$6,797,507, with \$5,994,768 for Personnel and \$802,739 for Operations. Presiding Judge Lamorena asked that PDSC provide a report on the adjustments.

Motion to approve PDSC's FY2024 budget proposal as presented, to include increased dues for Guam Bar Association and staffing pattern adjustments, made by Presiding Judge Lamorena and seconded by Trustee Quinata. Approved by acclamation.

B. APD FY2024 BUDGET REQUEST (RESOLUTION 08-23)

MA Gayle stated APD's FY2024 budget proposal includes increased GBA dues bringing their total increase to \$308,840 (21%). Their total request is \$1,747,580.00 which includes mandated increments for law enforcement and non-enforcement staff, as well as increments for attorneys. Chief Justice Torres stated that the Personnel portion of their packet shows increments of 6% and 7% which need to be corrected. AD Gogue clarified that PDSC and APD's budgets are combined into one resolution.

Motion to approve APD's FY2024 budget proposal as presented, subject to technical amendments, made by Presiding Judge Lamorena and seconded by Trustee Quinata. Approved by acclamation.

Presiding Judge Lamorena asked that an updated report be provided to the Board.

C. CLIENT INCOME GUIDELINES

ED Hattori included the current guidelines in the BOT packet and is researching best practices. He indicated that PDSC has been asking magistrate judges to allow PDSC to represent clients who are detained, so there is a presumption of eligibility as long as the individual is detained. Once the individual is released, they will be required to retain their own counsel. Unfortunately, many cannot find attorneys. ED Hattori reported there is a definite need to increase the eligibility guidelines. ED Hattori also

shared many places are using a living wage calculator. A living wage for Guam has not been calculated, but there is one for Hawaii.

Chief Justice recommended to provide the BOT suggestions, together with a survey on various jurisdictions, particularly any jurisdictions that might more closely resemble the environment here.

VIII. **PUBLIC DISCUSSION**

Chief Justice Torres indicated there are no matters for public discussion.

IX. **ADJOURNMENT AND NEXT MEETING DATE**

With no further matters to discuss, **motion was made by Presiding Judge Lamorena and seconded by Trustee Quinata to adjourn the meeting. Approved by acclamation.**

The next BOT meeting is scheduled for Tuesday, June 27, 2023 at 12:30 p.m. in the PDSC conference room via Zoom/YouTube.

Respectfully submitted,



for CATHY GOGUE
Board Secretary

Agenda Item VI-B
Old Business

PDSC Executive Director
Report

**PUBLIC DEFENDER SERVICE CORPORATION
Incoming Case Count (Monthly Report) - FY2023 May**

Attorney	Felony - Assault	Felony - Burglary	Felony - Criminal Mischief	Felony - Criminal Sexual Conduct	Felony - DUI	Felony - Dult Drug Court	Felony - General Jurisdiction	Felony - Other	Felony - Terrorizing	Felony - Theft	Juvenile Delinquent	Juvenile Proceedings - PINS	Misdemeanor - DUI	Misdemeanor - Family Violence	Misdemeanor - General Jurisdiction	Misdemeanor - Other	TOTAL	Percentage	FY2023 to date	Percentage	PRE-TRIAL CASE NUMBERS	Percentage	
A. Molyneux	1				2					4			1				8	9%	44	6%	97	5%	ALM
B. Eggleston					1			2				1	3				7	8%	52	7%	98	5%	BPE
C. Spotanski												4					4	5%	46	6%	81	4%	CFS
D. Highsmith					1				1						1		3	4%	52	7%	144	8%	DJH
E. Espiritu		1			1				1				1				4	5%	56	7%	93	5%	EVE
J. Roden	3	2			1		1				1	3	1				12	14%	73	10%	135	7%	JMR
J. Morrison		1		1	1				1				2				6	7%	51	7%	132	7%	JPM
K. Aguon										1	1						2	2%	83	11%	59	3%	KAA
P. Sablan					1		1		1			2	1				6	7%	50	7%	112	6%	PJS
S. Hattori						1	2					2					5	6%	52	7%	252	13%	SPH
OTHER*				1								2			3		6	7%	38	5%	374	20%	OTHER*
W. Jones	3			1			2	1			1						8	9%	65	8%	79	4%	WBJ
W. Bischoff			1		1	2								1	1		6	7%	50	7%	108	6%	WCB
Z. Taimanglo	1	1		1				1				1	3				8	9%	53	7%	112	6%	ZCT
TOTAL	8	5	1	4	10	3	6	2	4	4	2	10	14	6	5		85	100%	765	100%	1876	100%	

44	6	35
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FISCAL YEAR COMPARISON										
	FY2023 (OCT-MAY)		FY2022		FY2021		FY2020		FY2019	
CASES OPENED	765		1210		1105		1315		1476	
CONFLICT	113	15%	202	18%	114	10%	123	11%	148	9%
INCOME EXCEEDED	36	5%	34	3%	34	3%	8	1%	25	2%
SUBSTITUTION	17	2%	0	0%	29	3%	25	2%	35	2%
CLOSED	623		1142		1111		1083		1663	

Average Case Time: PRE to POST	
48%	0-6 Months
17%	7-12 Months
35%	13 or more Months

* OTHER includes attorneys who are no longer employed with PDSC or cases that have not yet been assigned to an attorney.

Agenda Item VI-C
Old Business

APD Managing Attorney Report

ALTERNATE PUBLIC DEFENDER Incoming Case Count (Monthly Report) FY2023 May 05/01/2023 to 05/31/2023

	ATTORNEY	ADC/Possession/Possession Intent to Deliver	DWI/DWI-BAC/DWI, child on board	FAM/VO-Felony	GJF-Stalking/Terrorizing	GJF-Home Invasion/Burglary/Theft/Robbery	GJF-Murder/Aggravated Assault	GJF-Vehicular Homicide/Negligent Homicide	GJF-CSC/Kidnap	GJF-Firearms Possession/Firearms ID/Guns	Gen-Jur-Felony (other)	DWI/Reckless	FAM/VO-Misdemeanor	GJM-Theft/Retail Theft	GJM-Assault/Terrorizing/Harassment	Gen-Jur-Criminal Mischief/Trespass	JUV-DEL	JUV-PINS	APPEAL	CIVIL/SPECIAL	MAY TOTAL	Percentage	CY2023 to date	Percentage	FY2023 to date	Percentage	PRE-TRIAL CASE NUMBERS	
A. Gayle	7			1	5																13	36%	59	31%	84	29%	144	ACG
P. Santos	4		2		4	1															11	31%	61	32%	82	28%	145	PJS
T. Dunphy					1					1	1	1			1	1					6	17%	43	23%	82	28%	77	TCD
L. Rapadas															1	3					4	11%	25	13%	40	14%	94	LMR
T. Scott															1					1	2	6%	2	1%	2	1%	2	
R. Dirx																					0	0%	0	0%	0	0%	0	RSD
TOTAL	11	0	2	1	10	1	0	0	0	0	1	1	1	0	0	0	2	2	3	0	1	36	100%	190	100%	290	100%	462
	26										4				5		1											

	CY2023		CY2022		CY2021		CY2020		CY2019		CY2018	
CASES OPENED	190		471		453		363		391		423	
PDSC W/D to APD	38	20%	121	26%	88	19%	78	21%	113	29%	94	22%
APD W/D	27	14%	72	15%	80	18%	44	12%	76	19%	46	11%
CLOSED CASES	95	50%	291	62%	435	96%	300	83%	460	118%	394	93%

Agenda Item VI-D
Old Business

CLC Managing Attorney Report

(CLC/EJC) 2023 Fiscal Year Information for Board of Trustees (As of June 21, 2023)

CIVIL LAW CENTER	2022				2023												Total Fiscal Year
	OCT	NOV	DEC	QTR TOTAL	JAN	FEB	MAR	QTR TOTAL	APR	MAY	JUN	QTR TOTAL	JUL	AUG	SEPT	QTR TOTAL	
NUMBER OF CASES																	
Opened	0	2	3	5	4	12	14	30	7	14	2	29					
Closed	0	2	1	3	0	4	10	14	7	4	0	11					
SERVICES																	
Guardianship Over Minors	0	0	1	1	0	3	4	7	2	0	2	4					
Landlord/Tenant	0	1	1	2	2	0	1	3	0	0	0	0					
Last Will and Testament	0	0	0	0	0	0	0	0	0	1	0	1					
Living Will	0	0	0	0	0	1	1	2	0	1	0	1					
Power of Attorney	0	1	0	1	0	2	5	7	2	3	0	5					
Power of Attorney (Healthcare)	0	0	0	0	0	2	5	7	2	3	0	5					
War Claims Issues (Inquiries/Probate)	0	0	1	1	1	7	2	10	1	0	0	1					
ELDER JUSTICE CENTER	2022				2023												Total Fiscal Year
	OCT	NOV	DEC	QTR TOTAL	JAN	FEB	MAR	QTR TOTAL	APR	MAY	JUN	QTR TOTAL	JUL	AUG	SEPT	QTR TOTAL	
NUMBER OF CASES																	
Opened	69	32	25	126	30	25	41	96	33	25	25	78					
Closed	24	31	34	89	40	16	58	114	28	29	10	67					
SERVICES																	
FEMA Support Services	0	0	0	0	0	0	0	0	0	0	2	2					
Guardianship (Information and Advice)	0	0	0	0	0	0	0	0	0	0	0	0					
Landlord/Tenant Issues	0	0	1	1	0	0	0	0	0	0	0	0					
Last Will and Testament	9	11	3	23	14	1	15	30	6	8	1	15					
Living Will	6	10	1	17	2	0	3	5	1	2	1	4					
Power of Attorney	10	23	23	56	30	13	34	77	20	21	6	47					
Power of Attorney (Healthcare)	16	28	23	67	32	13	33	78	23	23	5	31					
RECEIVED REQUESTS																	
Adoption	0	0	0	0	1	0	0	1	0	0	0	0					
Annulment	0	0	0	0	0	0	1	1	0	0	0	0					
Banking Issues	1	2	1	4	0	0	0	0	0	0	0	0					
Debt Collection	0	0	0	0	0	2	0	2	0	0	0	0					
Deed of Gift	3	4	1	8	1	0	2	3	2	0	0	2					

ELDER JUSTICE CENTER	2022				2023												Total Fiscal Year
	OCT	NOV	DEC	QTR TOTAL	JAN	FEB	MAR	QTR TOTAL	APR	MAY	JUN	QTR TOTAL	JUL	AUG	SEPT	QTR TOTAL	
Divorce	1	0	0	1	0	0	0	0	0	0	1	1					2
Employment Law	0	0	0	0	0	0	1	1	0	0	0	0					1
Guardianship Over an Adult	3	3	2	8	0	0	0	0	0	0	0	0					8
Landlord/Tenant Issues	1	3	0	4	0	0	1	1	2	2	0	4					9
Litigation Award Assistance	0	0	0	0	0	0	0	0	1	0	0	1					1
Living Trusts	2	0	0	2	0	0	0	0	0	0	0	0					2
Medical Malpractice	0	0	0	0	0	0	0	0	1	0	0	1					1
Medicare Application	1	0	0	1	0	0	0	0	0	0	0	0					1
Name Change	0	1	0	1	0	0	0	0	1	0	0	1					2
Probate	1	1	1	3	0	0	0	0	1	0	0	1					4
Property Border Issue	0	0	0	0	1	1	0	2	0	0	0	0					2
Property Title Service	0	0	0	0	0	0	0	0	0	1	1	2					2
Notary Service (Gov't Docs)	0	0	0	0	0	0	0	0	0	0	0	0					0
Notary Service (Personal Docs)	2	1	0	3	0	0	2	2	0	0	0	0					5
Public Assistace	1	0	1	2	0	0	1	1	0	0	0	0					3
Quitclaim Deed	0	0	0	0	0	0	0	0	0	0	0	0					0
Quiet Title Issues	0	1	1	2	0	0	0	0	1	0	0	1					3
Retirement questions	0	0	0	0	0	0	0	0	0	1	0	1					1
Social Security Fraud	0	1	0	1	0	0	0	0	0	0	0	0					1
Social Services Assistance	1	0	0	1	0	0	0	0	0	0	0	0					1
Trusts	0	0	2	2	0	0	0	0	1	0	0	1					3
Wrongful Judgement	0	0	0	0	0	0	0	0	1	0	0	1					1
MISCELLANEOUS																	
Collaborations/Outreach	7	2	2	11	2	0	7	9	7	5	0	12					32
Conferences	3	1	0	4	0	0	2	2	1	1	0	2					8
Home/Hospital Visits	9	17	9	35	11	12	13	36	21	12	3	36					107
Trainings	2	1	0	3	1	3	2	6	0	0	0	0					9

(TAC) 2023 Fiscal Year Information for Board of Trustees

The Advocacy Center	2022				2023												Total Fiscal Year
	OCT	NOV	DEC	QTR TOTAL	JAN	FEB	MAR	QTR TOTAL	APR	MAY	JUN	QTR TOTAL	JUL	AUG	SEPT	QTR TOTAL	
INTAKE and SCREENING																	
DECLINED (CONFLICT) & REFERRED	2	2	2	6	1	1	4	6	2	1		3					
OPENED	11	10	15	36	14	12	10	36	12	5		17					
Total Intake and Screening	13	12	17	42	15	13	14	42	14	6		20					
<i>Description of Services</i>																	
Consult/Advice (Referred out)	3	7	10	20	10	3	6	19	8	4		12					
Protective Order	4	4	3	11	2	6	3	11	4	1		5					
Restraining Order	0	0	0	0	0	0	0	0	0	0		0					
Declined (Victim Requested)	6	1	4	11	3	4	5	12	2	1		3					
Total of services for opened cases	13	12	17	42	15	13	14	42	14	6		20					
CASE STATUS																	
Active Open Cases	17	10	6	33	13	12	16	41	5	7		12					
Closed	13	5	10	28	10	10	18	38	12	5		17					
CASES REFERRED TO TAC																	
Office of the Attorney General ((Victim Service Center)	0	0	0	0	0	0	0	0	0	0		0					
Guam Police Department (GPD)	11	10	0	21	10	4	10	24	5	0		5					
Guam Bar Association (GBA)	0	0	0	0	0	0	0	0	0	0		0					
Other	2	2	0	4	0	5	0	5	7	6		13					
Total Referred to TAC	13	12	0	25	10	9	10	29	12	6		18					
CASES REFERRED OUT																	
Adult Protective Services (APS)	0	0	0	0	0	0	0	0	1	0		1					
Child Protective Services (CPS)	0	0	0	0	0	0	0	0	1	0		1					
Guam Bar Association (GBA)	0	1	0	1	0	0	0	0	0	1		1					
Guam Police Department (GPD)	5	8	6	19	11	3	5	19	2	2		4					
Guam Legal Services (GLS)	0	0	5	5	0	1	1	2	5	2		7					
Micronesia Legal Services Corp. (MLSC)	0	0	1	1	0	0	0	0	0	0		0					
Office of the Attorney General (Victims Service Center)	0	0	0	0	0	0	0	0	1	0		1					
MISCELLANEOUS																	
Collaborations/Outreach	3	0	0	3	0	0	1	1	8	0		8					
Conferences	1	0	0	1	2	1	1	4	1	0		1					
Trainings	0	0	0	0	0	0	0	0	0	0		0					

Agenda Item VI-E
Old Business

PDSC FY2024 Budget Review

FOOTNOTES:

For Fiscal Year 2024, an increase of **\$767,217** is requested over the authorized appropriation level for Fiscal Year 2023. The requested increases are described below:

1. PERSONNEL SERVICES:

\$ 385,334

SALARIES:

- Mandated employee salary and benefits that include increments, adjustments, and projected night differential payment.

\$ 114,754

RETIREMENT BENEFITS:

- Mandated adjustments in the government's share of retirement contributions. Based on FY2023 levels, with anticipated adjustments for the upcoming fiscal year

\$ 21,406

INSURANCE (Medical, Dental and Life) BENEFITS:

- Based on FY2023 levels, with anticipated adjustments in the government's share for these benefits.

\$ 521,494

SUB-TOTAL FOR PERSONNEL COSTS IN FY2024

2. OPERATIONS:

\$ 155,858

CONTRACTUAL SERVICES (Also shown on Form 96A)

- Malpractice Insurance (\$9,001.00)
- Westlaw Service (\$47,196.00)
- Vehicle Lease (\$7,000.00)
- Vehicle Insurance (\$5,122.00)
- Maintenance for Telephone System (\$19,500.00)
- Surveillance Services (\$1,440.00)
- Contents Insurance (\$5,785.00)
- Maintenance on Xerox Copiers (\$19,313.00)
- Equipment Maintenance - Shredder, etc. (\$1,500.00)
- Equipment Maintenance - Archiving System (\$3,600.00)
- Equipment Maintenance - Office Equipment (\$2,750.00)
- Support for GL Accounting Software (\$2,000.00)
- License for Accounting Software (\$1,045.00)
- HR Software (\$7,946.00)
- Off-site Data Backup Solution Service (Online) (\$7,000.00)
- Annual Renewal for Recorder Software (SoniClear) (\$400.00)
- Firewall Security Service (SonicWall) (\$3,000.00)
- Abacus Licenses/Maintenance (\$75,310.00)
- Internet Domain (\$1,500.00)
- Email Website Hosting (\$19,250.00)
- Annual Renewal for Archive Software (\$4,000.00)
- Shoretel Software / Hardware (\$6,000.00)
- Uptrust SMS Messaging (\$5,000.00)
- Expert Witness for Analysis, Consultations, etc. (\$30,000.00)
- Additional Communications Platforms, Wi-Fi, Devices (\$19,748.00)
- Back-up Internet Services (\$6,075.00)
- Cellular Services (\$1,920.00)

NOTE: The actual increase from FY2023 to FY2024 is due to the increase in services fee, maintenance for copiers and telephone system, and addition of a vehicle (lease) and insurance.

- \$ 6,838 SUPPLIES AND MATERIALS:**
NOTE: Change is due to increase in prices.
- \$ 30,284 SMALL EQUIPMENT:**
NOTE: Work stations (computers, monitors, battery back-ups, etc.) are changed yearly for equipment which may become obsolete or be deemed non-usable, depending on the number of years' usage and addition of a virtual server. Please refer to Form 96A for further details.
- \$ 190 DRUG TESTING:**
- \$ 36,266 OFFICE SPACE RENTAL: Anticipated increase and/or additional space.**
- \$ 16,287 MISCELLANEOUS:**
- Guam Bar Dues (\$7,650.00)
 - Professional Dues – NACDL (\$1,200.00)
 - Training and or Career Development (\$26,000.00)
 - Notary Bonding (\$3,400.00)
 - Automobile Maintenance (\$3,500.00)
 - Advertising Cost - Board Meeting (\$4,800.00)
 - Advertising Cost - Job Announcement (\$2,500.00)
 - Advertising Cost - RFP's/Bids (\$2,500.00)
 - SHRM Membership (\$1,254.00)
 - AGA Membership (\$105.00)
 - Board Stipends (\$3,000.00)
 - Payroll Fees (\$3,200.00)
 - Legal Subscriptions (\$2,100.00)
 - Process Server Fees (\$350.00)
 - Other Fees (i.e., police clearance, postage, transcript copies) (\$600.00)
 - Long Distance Telephone (\$4,800.00)
 - Board Meeting Expenses (\$3,00.00)
- NOTE: The actual increase from FY2023 to FY2024 is primarily due to the general increase in prices for goods and services.**

\$ 245,723 *SUB-TOTAL FOR OPERATIONAL AND CAPITAL OUTLAY COSTS INCREASE IN FISCAL YEAR 2024*

\$ 767,217 TOTAL INCREASE FOR FY2024 ABOVE FY2023's AUTHORIZED LEVEL

**CONTRACTUAL
FY 2023 FUNDED
vs
FY 2024 Request**

Schedule B - Contractual	2023 Funded by GF	Not Appropriated in FY 2023 / Carry Over to FY 2024	TOTAL 2024 RQ
Malpractice Insurance	9,001		9,001
Westlaw Service	37,538	9,658	47,196
Vehicle Lease		11,796	11,796
Vehicle Insurance	3,080	2,042	5,122
Maintenance for Telephone System / Internet	19,500		19,500
Service for Surveillance Cameras	1,440		1,440
Contents Insurance	2,904	2,881	5,785
Maintenance on Xerox Copiers	19,313		19,313
Equipment Maintenance - Shredder, etc.		1,500	1,500
Equipment Maintenance - Archiving System		3,600	3,600
Equipment Maintenance - Office Equipment		2,750	2,750
Support for GL Accounting Software		2,000	2,000
Additional License for Accounting Software		1,045	1,045
HR Software	6,446	1,500	7,946
Off-site Data Backup Solution Service (Online)	6,000	1,000	7,000
Annual Renewal for Recorder Software (SoniClear)	400		400
Firewall Security Service (SonicWall)	2,500	500	3,000
Abacus Licenses (55)		75,130	75,130
Internet Domain-		1,500	1,500
Email Website Hosting	19,250		19,250
Annual Renewal for Archive Software	4,000		4,000
Shoretel Software/Hardware	6,000		6,000
Uptrust SMS Messaging	5,000		5,000
Expert Witness For Analysis, Consultation, Etc.		30,000	30,000
Communications Platforms, Wi-Fi, Devices, Etc.	12,712	7,036	19,748
Back-up Internet Services	6,075		6,075
Cellular Services		1,920	1,920
	\$ 161,159	\$ 155,858	\$ 317,017

FY 2023 EXPENDITURES PROJECTION

Function: Public Safety

Department/Agency: Public Defender Service Corporation

BD-1

Program: Summary (Projection 2023)

AS400 Account Code	Appropriation Classification	A	B	C	D
		General Fund FY2023	General Fund FY2023	General Fund FY2023	General Fund FY2024
		Request	Appropriated	Projected Expenses	REQUEST
	PERSONNEL SERVICES				
111	Regular Salaries/Increments/Special Pay	\$ 3,849,702	\$ 3,849,702	3,849,702	4,212,992
	Merit Bonus	75,084	75,084	75,084	77,627
112	Overtime				
113	Benefits	1,171,623	1,171,623	1,171,623	1,280,018
	Benefits - Merit Bonus (Medicare)	1,088	1,088	1,088	1,127
114	Insurance Benefits (Medical / Dental / Life)	375,776	375,776	375,776	423,004
	TOTAL PERSONNEL SERVICES	\$ 5,473,273	\$ 5,473,273	\$ 5,473,273	5,994,768
	OPERATIONS				
220	TRAVEL- Off-Island/Local Mileage Reimburs.	-	-		
230	CONTRACTUAL SERVICES:	344,927	161,159	240,610	317,017
233	OFFICE SPACE RENTAL:	309,866	273,600	273,600	309,866
240	SUPPLIES & MATERIALS:	41,620	34,782	17,409	41,620
250	EQUIPMENT:	38,597	36,183	40,762	66,467
270	WORKERS COMPENSATION	-	-		
271	DRUG TESTING	200	170	400	360
280	SUB-RECIPIENT/SUBGRANT:	-	-		
290	MISCELLANEOUS:	65,482	53,672	29,310	69,959
	TOTAL OPERATIONS	\$ 800,692	\$ 559,566	\$ 602,089	\$ 805,289
	GRAND TOTAL	\$ 6,273,965	\$ 6,032,839	\$ 6,075,362	\$ 6,800,057

Agenda Item VI-F
Old Business

Client Income Guidelines

Attachment "A"
(PDSC Board Resolution No 04-14)

**PUBLIC DEFENDER SERVICE CORPORATION
ELIGIBILITY GUIDELINES**

(Adopted by the PDSC Board of Trustees
on January 14, 2014)

2011 HHS POVERTY GUIDELINES

Persons In Family	48 Contiguous States and D.C.	\$10/hr	Hourly Wage:
1	\$10,890	\$20,800	\$10.00
2	14,710	24,620	11.83
3	18,530	28,440	13.67
4	22,350	32,260	15.51
5	26,170	36,080	17.35
6	29,990	39,900	19.18
7	33,810	43,720	21.02
8	37,630	47,540	22.86
For each additional person, add	3,820	3,820	Annual Wage/2080 Hours

Additionally, household assets (i.e., cars, land, bank accounts, stocks and/or bonds, etc.) may not exceed \$2,500 per person and \$1,500 for each additional household member.

2023 Poverty Guidelines: Hawaii

Per Year

Household /Family Size	25%	50%	75%	100%	125%	130%	133%	135%	138%	150%	175%	180%	185%	200%
1	\$4,193	\$8,385	\$12,578	\$16,770	\$20,963	\$21,801	\$22,304	\$22,640	\$23,143	\$25,155	\$29,348	\$30,186	\$31,025	\$33,540
2	\$5,670	\$11,340	\$17,010	\$22,680	\$28,350	\$29,484	\$30,164	\$30,618	\$31,298	\$34,020	\$39,690	\$40,824	\$41,958	\$45,360
3	\$7,148	\$14,295	\$21,443	\$28,590	\$35,738	\$37,167	\$38,025	\$38,597	\$39,454	\$42,885	\$50,033	\$51,462	\$52,892	\$57,180
4	\$8,625	\$17,250	\$25,875	\$34,500	\$43,125	\$44,850	\$45,885	\$46,575	\$47,610	\$51,750	\$60,375	\$62,100	\$63,825	\$69,000
5	\$10,103	\$20,205	\$30,308	\$40,410	\$50,513	\$52,533	\$53,745	\$54,554	\$55,766	\$60,615	\$70,718	\$72,738	\$74,759	\$80,820
6	\$11,580	\$23,160	\$34,740	\$46,320	\$57,900	\$60,216	\$61,606	\$62,532	\$63,922	\$69,480	\$81,060	\$83,376	\$85,692	\$92,640
7	\$13,058	\$26,115	\$39,173	\$52,230	\$65,288	\$67,899	\$69,466	\$70,511	\$72,077	\$78,345	\$91,403	\$94,014	\$96,626	\$104,460
8	\$14,535	\$29,070	\$43,605	\$58,140	\$72,675	\$75,582	\$77,326	\$78,489	\$80,233	\$87,210	\$101,745	\$104,652	\$107,559	\$116,280
9	\$16,013	\$32,025	\$48,038	\$64,050	\$80,063	\$83,265	\$85,187	\$86,468	\$88,389	\$96,075	\$112,088	\$115,290	\$118,493	\$128,100
10	\$17,490	\$34,980	\$52,470	\$69,960	\$87,450	\$90,948	\$93,047	\$94,446	\$96,545	\$104,940	\$122,430	\$125,928	\$129,426	\$139,920
11	\$18,968	\$37,935	\$56,903	\$75,870	\$94,838	\$98,631	\$100,907	\$102,425	\$104,701	\$113,805	\$132,773	\$136,566	\$140,360	\$151,740
12	\$20,445	\$40,890	\$61,335	\$81,780	\$102,225	\$106,314	\$108,767	\$110,403	\$112,856	\$122,670	\$143,115	\$147,204	\$151,293	\$163,560
13	\$21,923	\$43,845	\$65,768	\$87,690	\$109,613	\$113,997	\$116,628	\$118,382	\$121,012	\$131,535	\$153,458	\$157,842	\$162,227	\$175,380
14	\$23,400	\$46,800	\$70,200	\$93,600	\$117,000	\$121,680	\$124,488	\$126,360	\$129,168	\$140,400	\$163,800	\$168,480	\$173,160	\$187,200

Household /Family Size	225%	250%	275%	300%	325%	350%	375%	400%	500%	600%	700%	800%	1000%
1	\$37,733	\$41,925	\$46,118	\$50,310	\$54,503	\$58,695	\$62,888	\$67,080	\$83,850	\$100,620	\$117,390	\$134,160	\$167,700
2	\$51,030	\$56,700	\$62,370	\$68,040	\$73,710	\$79,380	\$85,050	\$90,720	\$113,400	\$136,080	\$158,760	\$181,440	\$226,800
3	\$64,328	\$71,475	\$78,623	\$85,770	\$92,918	\$100,065	\$107,213	\$114,360	\$142,950	\$171,540	\$200,130	\$228,720	\$285,900
4	\$77,625	\$86,250	\$94,875	\$103,500	\$112,125	\$120,750	\$129,375	\$138,000	\$172,500	\$207,000	\$241,500	\$276,000	\$345,000
5	\$90,923	\$101,025	\$111,128	\$121,230	\$131,333	\$141,435	\$151,538	\$161,640	\$202,050	\$242,460	\$282,870	\$323,280	\$404,100
6	\$104,220	\$115,800	\$127,380	\$138,960	\$150,540	\$162,120	\$173,700	\$185,280	\$231,600	\$277,920	\$324,240	\$370,560	\$463,200
7	\$117,518	\$130,575	\$143,633	\$156,690	\$169,748	\$182,805	\$195,863	\$208,920	\$261,150	\$313,380	\$365,610	\$417,840	\$522,300
8	\$130,815	\$145,350	\$159,885	\$174,420	\$188,955	\$203,490	\$218,025	\$232,560	\$290,700	\$348,840	\$406,980	\$465,120	\$581,400
9	\$144,113	\$160,125	\$176,138	\$192,150	\$208,163	\$224,175	\$240,188	\$256,200	\$320,250	\$384,300	\$448,350	\$512,400	\$640,500
10	\$157,410	\$174,900	\$192,390	\$209,880	\$227,370	\$244,860	\$262,350	\$279,840	\$349,800	\$419,760	\$489,720	\$559,680	\$699,600
11	\$170,708	\$189,675	\$208,643	\$227,610	\$246,578	\$265,545	\$284,513	\$303,480	\$379,350	\$455,220	\$531,090	\$606,960	\$758,700
12	\$184,005	\$204,450	\$224,895	\$245,340	\$265,785	\$286,230	\$306,675	\$327,120	\$408,900	\$490,680	\$572,460	\$654,240	\$817,800
13	\$197,303	\$219,225	\$241,148	\$263,070	\$284,993	\$306,915	\$328,838	\$350,760	\$438,450	\$526,140	\$613,830	\$701,520	\$876,900
14	\$210,600	\$234,000	\$257,400	\$280,800	\$304,200	\$327,600	\$351,000	\$374,400	\$468,000	\$561,600	\$655,200	\$748,800	\$936,000

2023 Poverty Guidelines: Hawaii

Per Month

Household /Family Size	25%	50%	75%	100%	125%	130%	133%	135%	138%	150%	175%	180%	185%	200%
1	\$349	\$699	\$1,048	\$1,398	\$1,747	\$1,817	\$1,859	\$1,887	\$1,929	\$2,096	\$2,446	\$2,516	\$2,585	\$2,795
2	\$473	\$945	\$1,418	\$1,890	\$2,363	\$2,457	\$2,514	\$2,552	\$2,608	\$2,835	\$3,308	\$3,402	\$3,497	\$3,780
3	\$596	\$1,191	\$1,787	\$2,383	\$2,978	\$3,097	\$3,169	\$3,216	\$3,288	\$3,574	\$4,169	\$4,289	\$4,408	\$4,765
4	\$719	\$1,438	\$2,156	\$2,875	\$3,594	\$3,738	\$3,824	\$3,881	\$3,968	\$4,313	\$5,031	\$5,175	\$5,319	\$5,750
5	\$842	\$1,684	\$2,526	\$3,368	\$4,209	\$4,378	\$4,479	\$4,546	\$4,647	\$5,051	\$5,893	\$6,062	\$6,230	\$6,735
6	\$965	\$1,930	\$2,895	\$3,860	\$4,825	\$5,018	\$5,134	\$5,211	\$5,327	\$5,790	\$6,755	\$6,948	\$7,141	\$7,720
7	\$1,088	\$2,176	\$3,264	\$4,353	\$5,441	\$5,658	\$5,789	\$5,876	\$6,006	\$6,529	\$7,617	\$7,835	\$8,052	\$8,705
8	\$1,211	\$2,423	\$3,634	\$4,845	\$6,056	\$6,299	\$6,444	\$6,541	\$6,686	\$7,268	\$8,479	\$8,721	\$8,963	\$9,690
9	\$1,334	\$2,669	\$4,003	\$5,338	\$6,672	\$6,939	\$7,099	\$7,206	\$7,366	\$8,006	\$9,341	\$9,608	\$9,874	\$10,675
10	\$1,458	\$2,915	\$4,373	\$5,830	\$7,288	\$7,579	\$7,754	\$7,871	\$8,045	\$8,745	\$10,203	\$10,494	\$10,786	\$11,660
11	\$1,581	\$3,161	\$4,742	\$6,323	\$7,903	\$8,219	\$8,409	\$8,535	\$8,725	\$9,484	\$11,064	\$11,381	\$11,697	\$12,645
12	\$1,704	\$3,408	\$5,111	\$6,815	\$8,519	\$8,860	\$9,064	\$9,200	\$9,405	\$10,223	\$11,926	\$12,267	\$12,608	\$13,630
13	\$1,827	\$3,654	\$5,481	\$7,308	\$9,134	\$9,500	\$9,719	\$9,865	\$10,084	\$10,961	\$12,788	\$13,154	\$13,519	\$14,615
14	\$1,950	\$3,900	\$5,850	\$7,800	\$9,750	\$10,140	\$10,374	\$10,530	\$10,764	\$11,700	\$13,650	\$14,040	\$14,430	\$15,600

Household /Family Size	225%	250%	275%	300%	325%	350%	375%	400%	500%	600%	700%	800%	1000%
1	\$3,144	\$3,494	\$3,843	\$4,193	\$4,542	\$4,891	\$5,241	\$5,590	\$6,988	\$8,385	\$9,783	\$11,180	\$13,975
2	\$4,253	\$4,725	\$5,198	\$5,670	\$6,143	\$6,615	\$7,088	\$7,560	\$9,450	\$11,340	\$13,230	\$15,120	\$18,900
3	\$5,361	\$5,956	\$6,552	\$7,148	\$7,743	\$8,339	\$8,934	\$9,530	\$11,913	\$14,295	\$16,678	\$19,060	\$23,825
4	\$6,469	\$7,188	\$7,906	\$8,625	\$9,344	\$10,063	\$10,781	\$11,500	\$14,375	\$17,250	\$20,125	\$23,000	\$28,750
5	\$7,577	\$8,419	\$9,261	\$10,103	\$10,944	\$11,786	\$12,628	\$13,470	\$16,838	\$20,205	\$23,573	\$26,940	\$33,675
6	\$8,685	\$9,650	\$10,615	\$11,580	\$12,545	\$13,510	\$14,475	\$15,440	\$19,300	\$23,160	\$27,020	\$30,880	\$38,600
7	\$9,793	\$10,881	\$11,969	\$13,058	\$14,146	\$15,234	\$16,322	\$17,410	\$21,763	\$26,115	\$30,468	\$34,820	\$43,525
8	\$10,901	\$12,113	\$13,324	\$14,535	\$15,746	\$16,958	\$18,169	\$19,380	\$24,225	\$29,070	\$33,915	\$38,760	\$48,450
9	\$12,009	\$13,344	\$14,678	\$16,013	\$17,347	\$18,681	\$20,016	\$21,350	\$26,688	\$32,025	\$37,363	\$42,700	\$53,375
10	\$13,118	\$14,575	\$16,033	\$17,490	\$18,948	\$20,405	\$21,863	\$23,320	\$29,150	\$34,980	\$40,810	\$46,640	\$58,300
11	\$14,226	\$15,806	\$17,387	\$18,968	\$20,548	\$22,129	\$23,709	\$25,290	\$31,613	\$37,935	\$44,258	\$50,580	\$63,225
12	\$15,334	\$17,038	\$18,741	\$20,445	\$22,149	\$23,853	\$25,556	\$27,260	\$34,075	\$40,890	\$47,705	\$54,520	\$68,150
13	\$16,442	\$18,269	\$20,096	\$21,923	\$23,749	\$25,576	\$27,403	\$29,230	\$36,538	\$43,845	\$51,153	\$58,460	\$73,075
14	\$17,550	\$19,500	\$21,450	\$23,400	\$25,350	\$27,300	\$29,250	\$31,200	\$39,000	\$46,800	\$54,600	\$62,400	\$78,000

2023 Poverty Guidelines: 48 Contiguous States (all states except Alaska and Hawaii)

Per Year

Household/ Family Size	25%	50%	75%	100%	125%	130%	133%	135%	138%	150%	175%	180%	185%	200%
1	\$3,645	\$7,290	\$10,935	\$14,580	\$18,225	\$18,954	\$19,391	\$19,683	\$20,120	\$21,870	\$25,515	\$26,244	\$26,973	\$29,160
2	\$4,930	\$9,860	\$14,790	\$19,720	\$24,650	\$25,636	\$26,228	\$26,622	\$27,214	\$29,580	\$34,510	\$35,496	\$36,482	\$39,440
3	\$6,215	\$12,430	\$18,645	\$24,860	\$31,075	\$32,318	\$33,064	\$33,561	\$34,307	\$37,290	\$43,505	\$44,748	\$45,991	\$49,720
4	\$7,500	\$15,000	\$22,500	\$30,000	\$37,500	\$39,000	\$39,900	\$40,500	\$41,400	\$45,000	\$52,500	\$54,000	\$55,500	\$60,000
5	\$8,785	\$17,570	\$26,355	\$35,140	\$43,925	\$45,682	\$46,736	\$47,439	\$48,493	\$52,710	\$61,495	\$63,252	\$65,009	\$70,280
6	\$10,070	\$20,140	\$30,210	\$40,280	\$50,350	\$52,364	\$53,572	\$54,378	\$55,586	\$60,420	\$70,490	\$72,504	\$74,518	\$80,560
7	\$11,355	\$22,710	\$34,065	\$45,420	\$56,775	\$59,046	\$60,409	\$61,317	\$62,680	\$68,130	\$79,485	\$81,756	\$84,027	\$90,840
8	\$12,640	\$25,280	\$37,920	\$50,560	\$63,200	\$65,728	\$67,245	\$68,256	\$69,773	\$75,840	\$88,480	\$91,008	\$93,536	\$101,120
9	\$13,925	\$27,850	\$41,775	\$55,700	\$69,625	\$72,410	\$74,081	\$75,195	\$76,866	\$83,550	\$97,475	\$100,260	\$103,045	\$111,400
10	\$15,210	\$30,420	\$45,630	\$60,840	\$76,050	\$79,092	\$80,917	\$82,134	\$83,959	\$91,260	\$106,470	\$109,512	\$112,554	\$121,680
11	\$16,495	\$32,990	\$49,485	\$65,980	\$82,475	\$85,774	\$87,753	\$89,073	\$91,052	\$98,970	\$115,465	\$118,764	\$122,063	\$131,960
12	\$17,780	\$35,560	\$53,340	\$71,120	\$88,900	\$92,456	\$94,590	\$96,012	\$98,146	\$106,680	\$124,460	\$128,016	\$131,572	\$142,240
13	\$19,065	\$38,130	\$57,195	\$76,260	\$95,325	\$99,138	\$101,426	\$102,951	\$105,239	\$114,390	\$133,455	\$137,268	\$141,081	\$152,520
14	\$20,350	\$40,700	\$61,050	\$81,400	\$101,750	\$105,820	\$108,262	\$109,890	\$112,332	\$122,100	\$142,450	\$146,520	\$150,590	\$162,800

Household/ Family Size	225%	250%	275%	300%	325%	350%	375%	400%	500%	600%	700%	800%	1000%
1	\$32,805	\$36,450	\$40,095	\$43,740	\$47,385	\$51,030	\$54,675	\$58,320	\$72,900	\$87,480	\$102,060	\$116,640	\$145,800
2	\$44,370	\$49,300	\$54,230	\$59,160	\$64,090	\$69,020	\$73,950	\$78,880	\$98,600	\$118,320	\$138,040	\$157,760	\$197,200
3	\$55,935	\$62,150	\$68,365	\$74,580	\$80,795	\$87,010	\$93,225	\$99,440	\$124,300	\$149,160	\$174,020	\$198,880	\$248,600
4	\$67,500	\$75,000	\$82,500	\$90,000	\$97,500	\$105,000	\$112,500	\$120,000	\$150,000	\$180,000	\$210,000	\$240,000	\$300,000
5	\$79,065	\$87,850	\$96,635	\$105,420	\$114,205	\$122,990	\$131,775	\$140,560	\$175,700	\$210,840	\$245,980	\$281,120	\$351,400
6	\$90,630	\$100,700	\$110,770	\$120,840	\$130,910	\$140,980	\$151,050	\$161,120	\$201,400	\$241,680	\$281,960	\$322,240	\$402,800
7	\$102,195	\$113,550	\$124,905	\$136,260	\$147,615	\$158,970	\$170,325	\$181,680	\$227,100	\$272,520	\$317,940	\$363,360	\$454,200
8	\$113,760	\$126,400	\$139,040	\$151,680	\$164,320	\$176,960	\$189,600	\$202,240	\$252,800	\$303,360	\$353,920	\$404,480	\$505,600
9	\$125,325	\$139,250	\$153,175	\$167,100	\$181,025	\$194,950	\$208,875	\$222,800	\$278,500	\$334,200	\$389,900	\$445,600	\$557,000
10	\$136,890	\$152,100	\$167,310	\$182,520	\$197,730	\$212,940	\$228,150	\$243,360	\$304,200	\$365,040	\$425,880	\$486,720	\$608,400
11	\$148,455	\$164,950	\$181,445	\$197,940	\$214,435	\$230,930	\$247,425	\$263,920	\$329,900	\$395,880	\$461,860	\$527,840	\$659,800
12	\$160,020	\$177,800	\$195,580	\$213,360	\$231,140	\$248,920	\$266,700	\$284,480	\$355,600	\$426,720	\$497,840	\$568,960	\$711,200
13	\$171,585	\$190,650	\$209,715	\$228,780	\$247,845	\$266,910	\$285,975	\$305,040	\$381,300	\$457,560	\$533,820	\$610,080	\$762,600
14	\$183,150	\$203,500	\$223,850	\$244,200	\$264,550	\$284,900	\$305,250	\$325,600	\$407,000	\$488,400	\$569,800	\$651,200	\$814,000

2023 Poverty Guidelines: 48 Contiguous States (all states except Alaska and Hawaii)

Per Month

Household/ Family Size	25%	50%	75%	100%	125%	130%	133%	135%	138%	150%	175%	180%	185%	200%
1	\$304	\$608	\$911	\$1,215	\$1,519	\$1,580	\$1,616	\$1,640	\$1,677	\$1,823	\$2,126	\$2,187	\$2,248	\$2,430
2	\$411	\$822	\$1,233	\$1,643	\$2,054	\$2,136	\$2,186	\$2,219	\$2,268	\$2,465	\$2,876	\$2,958	\$3,040	\$3,287
3	\$518	\$1,036	\$1,554	\$2,072	\$2,590	\$2,693	\$2,755	\$2,797	\$2,859	\$3,108	\$3,625	\$3,729	\$3,833	\$4,143
4	\$625	\$1,250	\$1,875	\$2,500	\$3,125	\$3,250	\$3,325	\$3,375	\$3,450	\$3,750	\$4,375	\$4,500	\$4,625	\$5,000
5	\$732	\$1,464	\$2,196	\$2,928	\$3,660	\$3,807	\$3,895	\$3,953	\$4,041	\$4,393	\$5,125	\$5,271	\$5,417	\$5,857
6	\$839	\$1,678	\$2,518	\$3,357	\$4,196	\$4,364	\$4,464	\$4,532	\$4,632	\$5,035	\$5,874	\$6,042	\$6,210	\$6,713
7	\$946	\$1,893	\$2,839	\$3,785	\$4,731	\$4,921	\$5,034	\$5,110	\$5,223	\$5,678	\$6,624	\$6,813	\$7,002	\$7,570
8	\$1,053	\$2,107	\$3,160	\$4,213	\$5,267	\$5,477	\$5,604	\$5,688	\$5,814	\$6,320	\$7,373	\$7,584	\$7,795	\$8,427
9	\$1,160	\$2,321	\$3,481	\$4,642	\$5,802	\$6,034	\$6,173	\$6,266	\$6,406	\$6,963	\$8,123	\$8,355	\$8,587	\$9,283
10	\$1,268	\$2,535	\$3,803	\$5,070	\$6,338	\$6,591	\$6,743	\$6,845	\$6,997	\$7,605	\$8,873	\$9,126	\$9,380	\$10,140
11	\$1,375	\$2,749	\$4,124	\$5,498	\$6,873	\$7,148	\$7,313	\$7,423	\$7,588	\$8,248	\$9,622	\$9,897	\$10,172	\$10,997
12	\$1,482	\$2,963	\$4,445	\$5,927	\$7,408	\$7,705	\$7,882	\$8,001	\$8,179	\$8,890	\$10,372	\$10,668	\$10,964	\$11,853
13	\$1,589	\$3,178	\$4,766	\$6,355	\$7,944	\$8,262	\$8,452	\$8,579	\$8,770	\$9,533	\$11,121	\$11,439	\$11,757	\$12,710
14	\$1,696	\$3,392	\$5,088	\$6,783	\$8,479	\$8,818	\$9,022	\$9,158	\$9,361	\$10,175	\$11,871	\$12,210	\$12,549	\$13,567

Household/ Family Size	225%	250%	275%	300%	325%	350%	375%	400%	500%	600%	700%	800%	1000%
1	\$2,734	\$3,038	\$3,341	\$3,645	\$3,949	\$4,253	\$4,556	\$4,860	\$6,075	\$7,290	\$8,505	\$9,720	\$12,150
2	\$3,698	\$4,108	\$4,519	\$4,930	\$5,341	\$5,752	\$6,163	\$6,573	\$8,217	\$9,860	\$11,503	\$13,147	\$16,433
3	\$4,661	\$5,179	\$5,697	\$6,215	\$6,733	\$7,251	\$7,769	\$8,287	\$10,358	\$12,430	\$14,502	\$16,573	\$20,717
4	\$5,625	\$6,250	\$6,875	\$7,500	\$8,125	\$8,750	\$9,375	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$25,000
5	\$6,589	\$7,321	\$8,053	\$8,785	\$9,517	\$10,249	\$10,981	\$11,713	\$14,642	\$17,570	\$20,498	\$23,427	\$29,283
6	\$7,553	\$8,392	\$9,231	\$10,070	\$10,909	\$11,748	\$12,588	\$13,427	\$16,783	\$20,140	\$23,497	\$26,853	\$33,567
7	\$8,516	\$9,463	\$10,409	\$11,355	\$12,301	\$13,248	\$14,194	\$15,140	\$18,925	\$22,710	\$26,495	\$30,280	\$37,850
8	\$9,480	\$10,533	\$11,587	\$12,640	\$13,693	\$14,747	\$15,800	\$16,853	\$21,067	\$25,280	\$29,493	\$33,707	\$42,133
9	\$10,444	\$11,604	\$12,765	\$13,925	\$15,085	\$16,246	\$17,406	\$18,567	\$23,208	\$27,850	\$32,492	\$37,133	\$46,417
10	\$11,408	\$12,675	\$13,943	\$15,210	\$16,478	\$17,745	\$19,013	\$20,280	\$25,350	\$30,420	\$35,490	\$40,560	\$50,700
11	\$12,371	\$13,746	\$15,120	\$16,495	\$17,870	\$19,244	\$20,619	\$21,993	\$27,492	\$32,990	\$38,488	\$43,987	\$54,983
12	\$13,335	\$14,817	\$16,298	\$17,780	\$19,262	\$20,743	\$22,225	\$23,707	\$29,633	\$35,560	\$41,487	\$47,413	\$59,267
13	\$14,299	\$15,888	\$17,476	\$19,065	\$20,654	\$22,243	\$23,831	\$25,420	\$31,775	\$38,130	\$44,485	\$50,840	\$63,550
14	\$15,263	\$16,958	\$18,654	\$20,350	\$22,046	\$23,742	\$25,438	\$27,133	\$33,917	\$40,700	\$47,483	\$54,267	\$67,833

Chapter 2 - Guidelines for Determining Eligibility for Court-Appointed Counsel

Statutory Provisions on The Right to Counsel

Statutory procedures on the right to representation by a lawyer and appointment of counsel for indigents are found in [Va. Code §§ 16.1-266, 16.1-267, 16.1-268](#) and [Va. Code §§ 19.2-157, 19.2-158, 19.2-159, 19.2-160, 19.2-161, 19.2-162](#) and [19.2-163](#). A person appearing in court has the right to legal representation and may obtain his/her own counsel. The accused may also waive his/her right to legal representation. The right to be represented by a court-appointed attorney is restricted by law to individuals who are indigent and charged with an offense punishable by incarceration, or adults who may be subjected to loss of parental rights by court order. An indigent is defined as a person who requests legal counsel but is unable to provide for full payment of a lawyer's fee without causing undue financial hardship to himself or his family.

The court is not required to appoint counsel in instances where the accused is charged with a non-jailable misdemeanor or, if charged with a jailable misdemeanor, where the judge has declared in writing prior to trial that any sentence upon conviction will not include imprisonment.

The appointment of counsel in cases involving children is handled differently according to the type of case. In abuse, neglect, termination of parental rights cases, and entrustment agreement proceedings, a lawyer who serves as a guardian ad litem must be appointed pursuant to [Va. Code § 16.1-266](#). The parents of the child, adoptive parents, or other parties with a legitimate interest who have filed a petition with the court are liable to pay the costs of such representation under [Va. Code § 16.1-267](#) and under the Appropriations Act, Acts of Assembly, if they are determined to be financially able to do so.

In cases involving children alleged to be in need of services, in need of supervision or delinquent, an attorney is appointed if the court determines that the child is indigent and his or her parent/guardian does not retain counsel on the child's behalf. In practice, children are found to be indigent almost without exception when considering their financial resources apart from those of their parents or guardian. If the parents of the child, adoptive parents, or other parties with a legitimate interest are found to be financially able to retain counsel and refuse to do so, then they may be ordered by the court to pay the costs for such representation. In custody cases where each parent or person is represented by counsel, the court does not appoint an attorney for the child except in instances in which the judge finds that the interests of the child are not being adequately represented.

General Policies

In order to aid case processing and provide counsel to eligible defendants at an early stage in the proceedings, the following procedures should be considered:

- The judge of each appointing court should designate an office and/or individuals to be responsible for interviewing and assisting the defendant in filling out the financial statement forms.
- Judges of the district courts should make the eligibility determination and appointment of counsel in all cases arising in those courts. Judges of the circuit court should rely on the decision of the judge of the district court regarding those cases and only open the issue of eligibility if new information comes to the court's attention or upon request of any party.
- Form DC-333, [Financial Statement-Eligibility Determination for Indigent Defense Services](#) is included in this manual and has been reviewed and approved by the Committee on District Courts for use in all district courts. It is also recommended for use in circuit courts.
- All persons requesting counsel should be reminded of the penalties for giving false information in the eligibility process. [Va. Code § 19.2-161](#).
- Defendants should be reminded that, if convicted, costs for their legal representation will be assessed against them at the conclusion of the trial and added to their fines, costs, and expenses owed.
- The person requesting court-appointed counsel should provide to the court an estimation of their total assets, to be recorded onto the financial statement form. The court may but is not required to verify the estimations given.

Procedures for Determining Eligibility of an Adult for Court-Appointed Counsel

The determination of the right to court-appointed counsel is made prior to the trial if no determination was made in a pre-trial procedure. The procedures for determining the right of the person to a court-appointed lawyer are outlined below:

- Every person accused of having committed a crime or who may be subjected to loss of parental rights must be advised of his/her right to legal representation:
 - The individual may elect to hire their own attorney;
 - The individual may waive their right to legal representation;
 - The judge will appoint a lawyer to represent the accused at public expense if the person indicates he is indigent and that it is his desire to obtain a court-appointed attorney by filing a request for counsel form together with a financial statement, and the person indicates that he is indigent and meets the eligibility requirements established by law.

- The court is not required to appoint counsel in instances where the accused is charged with a misdemeanor if the judge has stipulated in writing prior to trial that, if convicted, no jail sentence will be imposed.
- The person should be advised that if the court appoints a lawyer, the accused is liable for the full costs allowed by the court for such counsel if convicted.
- The person should be asked to indicate his/her choice regarding representation by a lawyer:
 - If the accused indicates he/she will hire an attorney, instruct him/her to have the attorney notify the clerk's office that the lawyer will be representing the accused.
 - If the accused wishes to waive their right to counsel, have him/her sign form DC-335, Trial Without a Lawyer (in district courts) and follow the appropriate waiver process in circuit courts.

NOTE: If the accused executes a waiver prior to an appearance before a judge, the judge must ask the accused at the trial if he/she still wishes to waive his right to legal representation. This act is required to comply with [Va. Code § 19.2-160](#).
 - The judge may decide not to appoint an attorney prior to trial on a misdemeanor charge if the judge decides that no jail sentence will be imposed upon the accused if convicted. That decision should be stipulated in writing by the judge (in district courts, the judge uses the appropriate section of form DC-335, Trial Without a Lawyer).
 - If the accused asks for a court-appointed lawyer, it must be determined whether he/she is eligible given the charge(s) pending against them. In order to be eligible for representation by a court-appointed lawyer, the accused must be:
 - charged with a felony or a misdemeanor for which a jail sentence may be imposed and be without counsel.
 - one who has not waived his/her right to legal representation, and be one who claims indigency.
- The accused must prepare and sign form DC-334, Request for Appointment of a Lawyer requesting representation by a lawyer as well as form DC-333, [Financial Statement - Eligibility Determination for Indigent Defense Services](#). These forms may be used as well in circuit courts.
- Once completed, the forms must be transmitted to the court according to the instructions of the judge.

Use of the Financial Eligibility Guidelines

The financial eligibility guidelines established by the General Assembly for use by all courts are as follows:

Presumption of Indigency

A defendant is presumed eligible for appointed counsel if the defendant is a current recipient of a state or federally administered public assistance program for the indigent. Examples are AFDC, Food Stamps, Medicaid, and Supplemental Security Income (SSI). This presumption shall be rebuttable where the court finds that a more thorough examination of financial resources of the defendant is necessary.

Financial Resources

If the defendant requests court-appointed counsel and is not presumptively eligible under paragraph 1, the court shall examine the financial resources of the defendant with consideration given to net income, assets, and exceptional expenses.

Net Income

The defendant's net income shall include total salary and/or wages minus deductions required by law. Also, to be considered are funds and amenities from any other sources including but not limited to:

- social security payments
- union funds
- veteran's benefits
- workmen's compensation
- unemployment benefits
- other regular support from an absent family member
- public or private employer pensions
- income from dividends, interest, rents, estates, trusts, or gifts.

Assets

The court shall examine all assets convertible into cash within a reasonable period of time without causing substantial hardship or jeopardizing the applicant's ability to maintain home/employment. Assets include all cash on hand as well as in checking and savings accounts, stocks, bonds, certificates of deposit, and tax refunds. All personal property owned by the defendant that is readily convertible into cash shall be considered, except property exempt from attachment. All real estate owned by the defendant shall be considered in terms of the amount that can be raised by a loan on the property.

Exceptional Expenses

In making its determination, the court shall consider, in addition to income and assets, any unusual expenses of the defendant and/or his/her family, which would in all probability prohibit him/her from being able to secure private counsel. Such items shall include but not be limited to costs for medical care, family support obligations, and childcare payments.

Indigency Formula

If the available funds (sum obtained from paragraph 2 A and B minus the expenses included in paragraph 2 C) are at or below the amounts in the following table and the defendant does not waive his right to counsel or retain counsel on his own behalf, the defendant is deemed eligible for defense services at public expense.

Household Size: includes total number of persons residing in the home that the defendant has financial responsibility for, including the defendant.

Household Size:	1	2	3	4
2023 Average Funds (annually)	\$18,225	24,650	31,075	37,500

Source: Federal Poverty Guidelines plus 25% (Source: Federal Register/Vol. 88, No. 12/ January 19, 2023, pp. 3424-3425)

(Add \$6,425 for each additional member in households of more than four)

For purposes of eligibility determination, the income, assets, and expenses of the spouse, if any, who is a member of the defendant's household, shall be considered unless the spouse was the victim of the offense(s) allegedly committed by the accused.

NOTE: The Office of the Executive Secretary of the Supreme Court of Virginia will distribute updates to these income levels to all courts on an annual basis.

Exceptional Circumstances

If the available funds of the accused exceed recommended guidelines and the defendant fails to employ counsel and does not waive his right to counsel, the Court may, in exceptional circumstances and where the ends of justice so require, appoint an attorney to represent the defendant. In making such appointments, the Court shall state in writing its reasons for so doing. The written statement by the Court shall be included in the permanent record of the case. In district court cases, the written statement should be made in the order portion of form DC-334, Request for Appointment of a Lawyer.

Procedures for Determining Eligibility of a Juvenile for Court Appointed Counsel

If a juvenile is eligible for court-appointed counsel under the provisions of [Va. Code § 16.1-266](#), the same financial eligibility guidelines are applied in determining whether counsel should be appointed. The financial and legal responsibility of parents or persons standing in loco parentis is provided in [Va. Code §§ 16.1-266](#) and [16.1-267](#). Parents or guardians must complete a financial statement if a court-appointed lawyer for the juvenile is requested. Parents are liable for the costs of such counsel up to \$120 when a lawyer is appointed in the J&DR court and the parents are deemed financially able to pay. However, [Va. Code § 16.1-267](#) limits the liability of a parent to a maximum of \$100 if the action involving a juvenile is in a circuit court. In addition, counsel appointed by the court under [Va. Code § 16.1-343](#) for involuntary commitment, or an appeal, shall be compensated in the amount not to exceed \$100.

DC-333, FINANCIAL STATEMENT - ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES

FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES		Case No. _____ Commonwealth of Virginia VA. CODE § 19.2-159
PRESUMPTIVE ELIGIBILITY		
<input type="checkbox"/> I currently receive the following type(s) of public assistance in _____ <div style="text-align: right; font-size: small;">CITY/COUNTY</div> <input type="checkbox"/> TANF \$ _____ <input type="checkbox"/> Medicaid <input type="checkbox"/> Supplemental Security Income \$ _____ <input type="checkbox"/> SNAP (food stamps) \$ _____ <input type="checkbox"/> Other (specify type and amount) _____ <input type="checkbox"/> I currently do not receive public assistance.		
Names and address of employer(s) for defendant and spouse: Self _____ Spouse (not applicable if alleged victim) _____		
NET INCOME:		Self Spouse
Pay period (weekly, every second week, twice monthly, monthly) _____		
Net take home pay (salary/wages, minus deductions required by law) _____		\$ _____
Other income sources (please specify) _____		\$ _____
EMPLOYMENT HISTORY: Were you employed at the time of your arrest? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, my net take home pay was <input type="checkbox"/> per week <input type="checkbox"/> month \$ _____ If no, length of time since last employed? _____ Total wages earned last calendar year? \$ _____		COURT USE ONLY = A
ASSETS:		
Cash on hand _____		\$ _____
Bank Accounts at: _____		\$ _____
Any other assets: (please specify) _____		
Real estate – \$ _____ <div style="text-align: center; font-size: x-small;">NET VALUE</div>		with a value of \$ _____ \$ _____
Motor Vehicles } _____ <div style="text-align: center; font-size: x-small;">YEAR AND MAKE</div>		with net value of \$ _____ with net value of \$ _____
Other Personal Property: (describe) _____		\$ _____
TOTAL ASSETS \$ _____		COURT USE ONLY = B
_____ Number in household defendant has financial responsibility for, including defendant.		
EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)		
Medical Expenses (list only unusual and continuing expenses) _____		\$ _____
Court-ordered support payments/alimony _____ <input type="checkbox"/> deducted from paycheck <input type="checkbox"/> not deducted from paycheck		\$ _____
Child-care payments (e.g. day care) _____		\$ _____
Other (describe): _____		} \$ _____
This statement is made under oath. Any false statement may constitute a violation of law under Virginia Code § 19.2-161 and be subject to criminal penalty, including incarceration.		COURT USE ONLY TOTAL EXPENSES \$ _____ = C COLUMN "A" plus COLUMN "B" minus COLUMN "C" equals available funds =
I hereby state that the above information is correct to the best of my knowledge.		
Name of defendant (type or print) _____		
DATE	SIGNATURE	
Sworn/affirmed and signed before me this day.		
DATE	SIGNATURE	TITLE
FORM DC-333 REVISED 10/11		

Eligibility Determination

Pursuant to [Va. Code § 19.2-159](#), the criteria is established for determination of indigency and eligibility for appointment of court-appointed counsel or public defender services in all Virginia courts.

Presumption of Indigency

A defendant is presumed eligible for appointed counsel if the defendant is a current recipient of a state or federally administered public assistance program for the indigent. Examples are AFDC, Food Stamps, Medicaid, and Supplemental Security Income (SSI). This presumption shall be rebuttable where the court finds that a more thorough examination of financial resources of the defendant is necessary.

Financial Resources

If the defendant requests court-appointed counsel and is not presumptively eligible, the court shall examine the financial resources of the defendant with consideration given to Net Income, Assets, and Exceptional Expenses.

Net Income

The defendant's net income shall include total salary and/or wages minus deductions required by law. Also to be considered are funds and amenities from any other sources including but not limited to social security payments, union funds, veteran's benefits, workmen's compensation, unemployment benefits, other regular support from an absent family member, public or private employee pensions, or income from dividends, interests, rents, estates or trusts, or gifts.

Assets

The court shall examine all assets convertible into cash within a reasonable period of time without causing substantial hardship or jeopardizing defendant's ability to maintain home/employment. Assets include all cash on hand as well as in checking and savings accounts, stocks, bonds, certificates of deposit, and tax refunds. All personal property owned by the defendant that is readily convertible into cash shall be considered, except property exempt from attachment. All real estate owned by the defendant shall be considered in terms of the amounts that could be raised by a loan on the property.

Exceptional Expenses

In making its determination, the court shall consider, in addition to income and assets, any unusual expenses of the defendant and/or his/her family that would, in all probability, prohibit him/her from being able to secure private counsel. (Such items shall include but not be limited to costs for medical care, family support obligations, and childcare payments.)

Indigency Formula

If the available funds (sum of total income and assets less the exceptional expenses) are at or below the amounts in the following table and the defendant does not waive his right to counsel or retain counsel on his own behalf the defendant is deemed eligible for defense services at public expense.

Household Size: includes total number of persons residing in the home that the defendant has financial responsibility for including the defendant.

Household Size	1	2	3	4	5	6	7	8
2023 Average Funds (annually)	18,225	24,650	31,075	37,500	43,925	50,350	56,775	63,200

Source: Federal Poverty Guidelines plus 25% (Source: Federal Register/Vol. 88, No. 12/January 19, 2023/ pp. 3424-3425)


(Add \$6,425 for each additional member in households of more than eight.)


For purposes of eligibility determination, the income, assets, and expenses of the spouse, if any, who is a member of the defendant's household, shall be considered unless the spouse was the victim of the offense or offenses allegedly committed by the accused.

Exceptional Circumstances

If the available funds of the accused exceed recommended guidelines and the defendant fails to employ counsel and does not waive his right to counsel, the Court may, in exceptional circumstances and where the ends of justice so require, appoint an attorney to represent the defendant; provided however, that in making such appointments, the Court shall state in writing its reasons for so doing. The written statement by the Court shall be included in the permanent record of the case.

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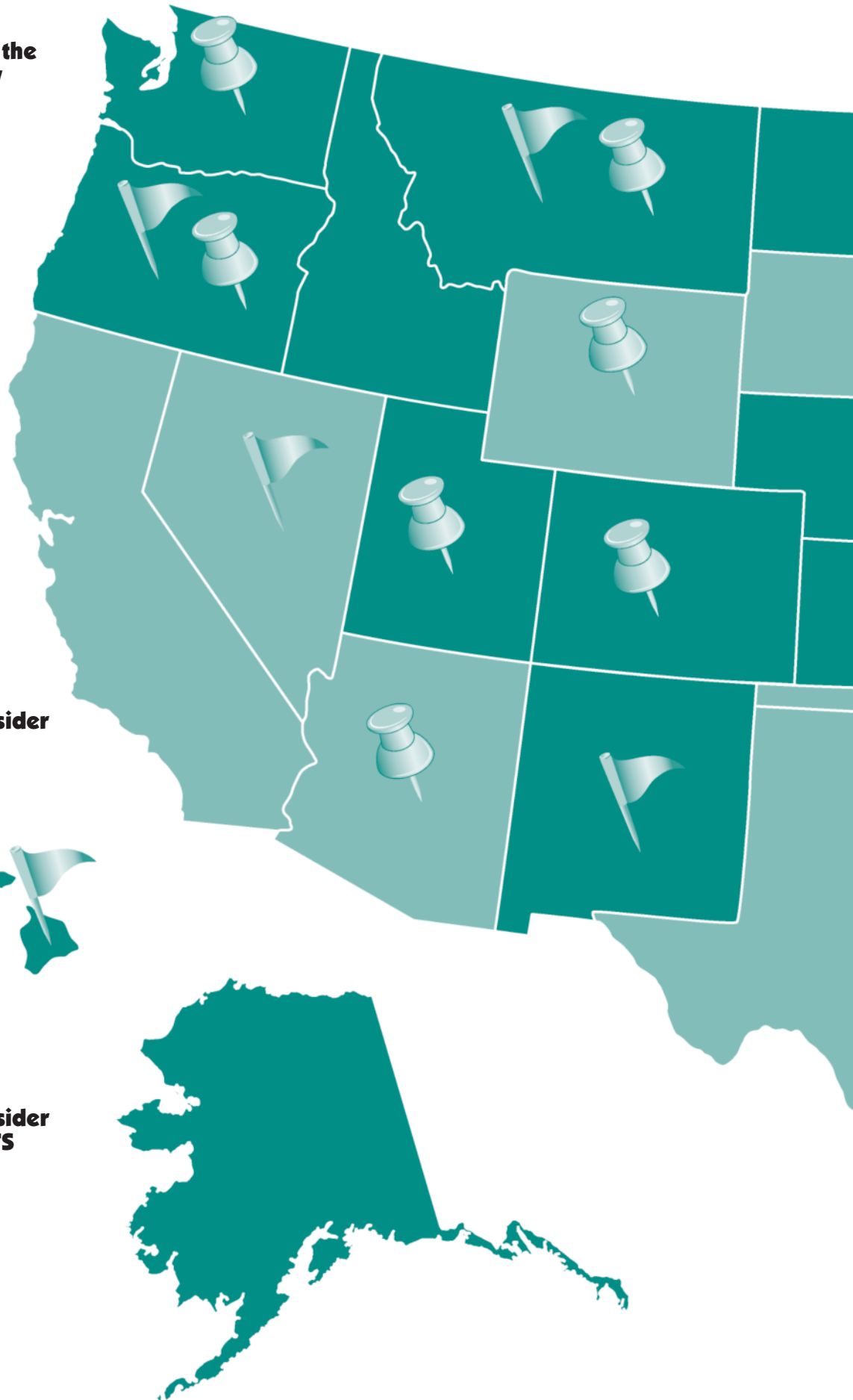
 = States that **USE** the **Federal Poverty Guidelines**

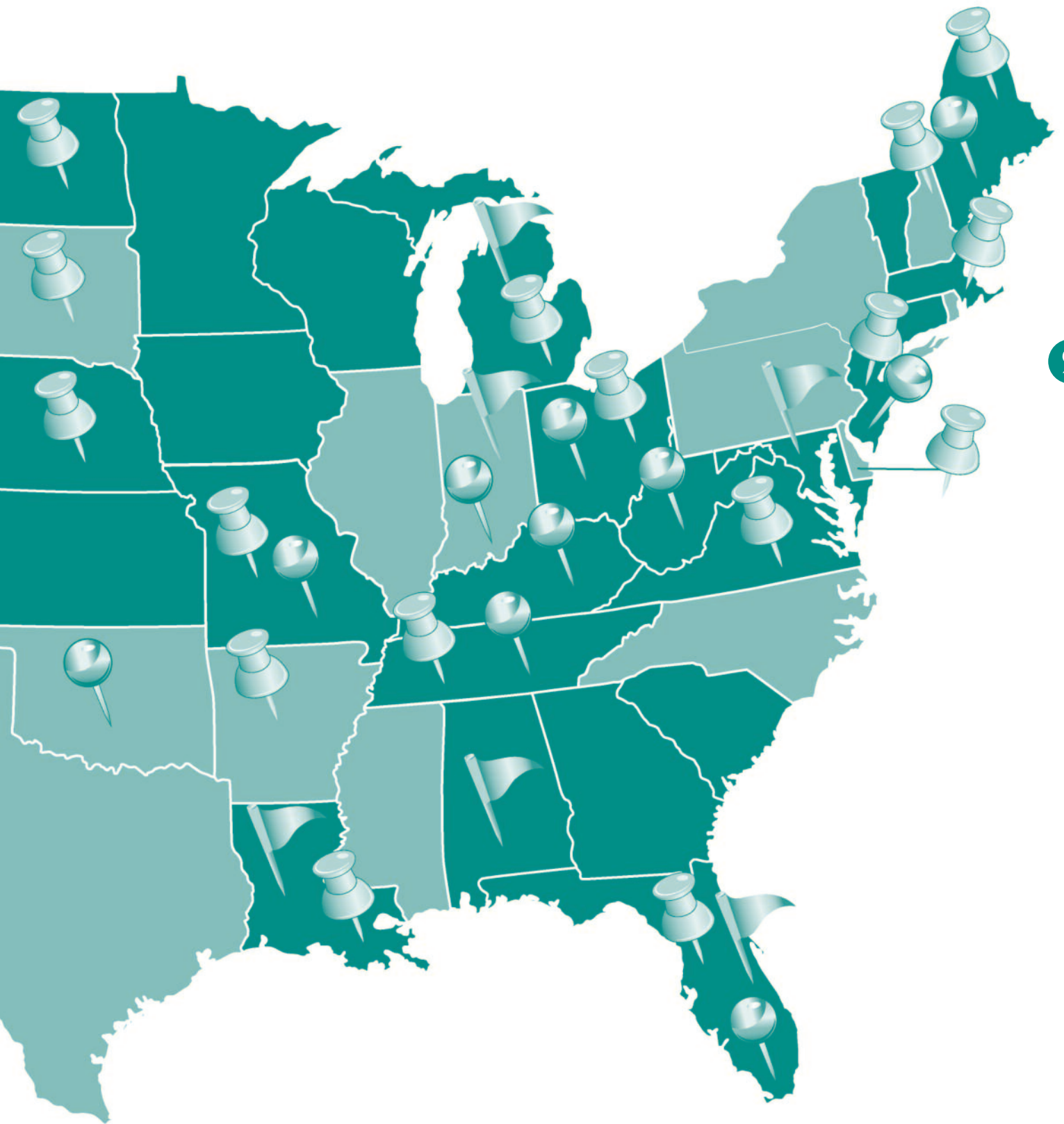
 = States that **DO NOT USE** the **Federal Poverty Guidelines**

 = States that consider **SUBSTANTIAL HARDSHIP**

 = States that consider the **ABILITY TO MAKE BAIL**

 = States that consider **PUBLIC BENEFITS AS INCOME**





MAP OF INCOME ELIGIBILITY GUIDELINES FOR ASSIGNED COUNSEL IN THE 50 STATES

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Financial Eligibility Guidelines for Assigned Counsel

ALABAMA

Definition: Any person who under oath or affirmation states that he or she is unable to pay for his or her representation, and who is found by the court to be financially unable to pay for his or her representation. AL ST § 15-12-1(4)

FPG: Indigent if income is below 125% and the person is unable to pay the cost of an attorney or between 125% and 200% if the failure to appoint counsel would result in substantial hardship. AL ST § 15-12-1(4)(a)(b)

Bail: N/A

Public Benefits: N/A

Repayment: A court may require a convicted defendant to pay the fees of court-appointed counsel. AL ST § 15-12-25(a)(1). Payment can be a condition of probation. AL ST § 15-12-25(b)(2). Nonpayment can be the basis for contempt. AL ST § 15-12-25(c)(2)

ALASKA

Definition: A person who, at the time need is determined, does not have sufficient assets, credit, or other means to provide for payment of an attorney and all other necessary expenses of representation without depriving the party or the party's dependents of food, clothing, or shelter. AK ST § 18.85.170(4)

FPG: The court can assume that a defendant's expenses are equal to the Federal Poverty Guidelines. Rule of Criminal Procedure 39.1(h)(2)

Bail: Release on bail does not preclude a finding that a person is indigent. AK ST § 18.85.120(b)

Public Benefits: Presumptively eligible if receiving benefits. Rule of Criminal Procedure 39.1(f)

Repayment: Upon conviction, a defendant can be assessed the "costs of appointed counsel" pursuant to a schedule of costs based on the offense charged. See Rule of Criminal Procedure 39(c)(d)

ARIZONA

Definition: A person who is not financially able to employ counsel. AZ ST RCRP Rule 6.4(a)

FPG: N/A

Bail: Comments to RCRP Rule 6.4(a) say court should not consider release on bail when determining indigence.

Public Benefits: Factors include social security and unemployment compensation. See *Morger v. Superior Court In and For Pima County*, 637 P.2d 310 (1981)

Repayment: If the court finds that an indigent defendant has financial resources which offset, in part, the costs of the legal services provided, the court shall order the defendant to pay whatever amount it finds he is able to pay without incurring substantial hardship. Failure to pay can be the basis for contempt. AZ ST RCRP Rule 6.7(d). Public Defenders are required to seek reimbursement from defendants. AZ ST § 11-584(c)

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Financial Eligibility Guidelines for Assigned Counsel

ARKANSAS

Definition: An indigent person is a person who, at the time his or her need is determined, is without sufficient funds or assets to employ an attorney or afford other necessary expenses incidental thereto. AR ST § 16-87-201

FPG: N/A

Bail: The state cannot force a defendant to choose between posting bond and obtaining counsel. See *Hill v. State*, 802 S.W.2d 144 (1991)

Public Benefits: Court can consider income from governmental programs such as social security and unemployment benefits. See *Hill v. State*, 802 S.W.2d 144 (1991)

Repayment: At the time of final disposition of any charges pending against a defendant represented by a public defender, the public defender shall ask the court to enter a judgment against the defendant in favor of the state of Arkansas for legal services rendered pursuant to a schedule of costs based on the offense charged. AR ST § 16-8-218 (c)

CALIFORNIA

Definition: A person who is financially unable to employ counsel is considered indigent. CA GOVT § 27707. The test is whether or not a private attorney would be interested in representing the defendant in his present economic circumstances. See *Williams v. Superior Court*, 38 Cal. Rptr. 291 (1964)

FPG: N/A

Bail: It is improper for a court to refuse to appoint counsel solely because the defendant has posted bond. See *Williams v. Superior Court*, 38 Cal. Rptr. 291 (1964)

Public Benefits: N/A

Repayment: In any case in which a party is provided legal assistance, either through the public defender or private counsel appointed by the court, upon conclusion of the proceedings, the court may make a determination of the ability of the party to pay all or a portion of the cost of such legal assistance. CA GOVT § 27712(a)

COLORADO

Definition: An indigent person is one whose financial circumstances prevent the person from having equal access to the legal process. *Colorado Chief Justice Directive 04-04*

FPG: Eligible if income is less than 125% of the Federal Poverty Guidelines and may be eligible if income is between 125% and 218%. Ineligible if income is above 218% of the Federal Poverty Guidelines. *Colorado Chief Justice Directive 04-04*

Bail: N/A

Public Benefits: The court may consider Social Security Supplemental Income and unemployment benefits but may not consider other forms of public assistance such as SNAP. *Colorado Chief Justice Directive 04-04*

Repayment: In any case when a court determines that a defendant is able to repay all or part of the expense of state-supplied or court-appointed counsel or any ancillary expenses incurred in representing such defendant, the court shall assess such fees or costs against such defendant. CO ST § 21-1-106

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Financial Eligibility Guidelines for Assigned Counsel

CONNECTICUT

Definition: An indigent defendant is a person who does not have the financial ability at the time of his request for representation to secure competent legal representation and to provide other necessary expenses of legal representation. CT ST §51-297(f)

FGP: A defendant charged with a misdemeanor may be eligible if his annual income is below 150% and if charged with a felony if his income is less than 200% of the Federal Poverty Guidelines. *Division of Public Defender Services Income Eligibility Guidelines.*

Bail: N/A

Public Benefits: N/A

Repayment: If at any time, either during or after the disposition of his case, a defendant who is receiving or has received public defender services based on his indigency becomes financially able to meet all or some part of the cost of the services rendered to him, he shall be required to reimburse the commission, in such amounts as he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with a schedule of charges for public defender services prepared by the commission. CT ST 51-298(a)(1)

DELAWARE

Definition: A defendant is considered indigent when he is unable to retain legal counsel without impairing his financial ability to provide economic necessities of life for himself and his family. *See Potter v. State, 547 A.2d 599 (1988)*

FGP: N/A

Bail: N/A

Public Benefits: The trial court should consider additional resources which may be available to the defendant, including real and personal property, bank accounts, social security payments, and unemployment or other benefits. *See Potter v. State, 547 A.2d 599 (1988)*

Repayment: A court may require a convicted defendant who has utilized court-appointed attorneys or the Public Defender's Office to pay the costs of defense in that court. 10 Del. C. § 8601(a)

DISTRICT OF COLUMBIA

Definition: Financially unable to obtain adequate representation. DC CODE § 11-2601

FGP: N/A¹

Bail: Not a factor in determining eligibility.

Public Benefits: N/A

Repayment: Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney... or to the court for deposit in the Treasury as a reimbursement to the appropriation. DC CODE § 11-2606

1. Eligibility is determined based in part on the Department of Labor's Lower Living Standards, which are significantly higher than the Federal Poverty Guidelines.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Financial Eligibility Guidelines for Assigned Counsel

FLORIDA

Definition: “Indigent” shall mean a person who is unable to pay for the services of an attorney, including costs of investigation, without substantial hardship to the person or the person’s family; “partially indigent” shall mean a person unable to pay more than a portion of the fee charged by an attorney, including costs of investigation, without substantial hardship to the person or the person’s family. FL ST RCRP 3.111

FPG: Defendants are indigent if their household income is below 200% of the Federal Poverty Guidelines or if the person is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans’ benefits, or Supplemental Security Income (SSI). FL ST § 27.52(2)(a)

Bail: Applications for the appointment of counsel must include the amount of bail posted and the source of the funds. FL ST § 27.52(1)(a)(5). Judges should consider if a defendant has been released on bail in an amount of \$5,000 or more. FL ST § 27.52(4)(a)(1)

Public Benefits: Applications for the appointment of counsel must include income from social security benefits, veterans’ benefits, workers’ compensation, other regular support from absent family members, public or private employee pensions, re-employment assistance or unemployment compensation. FL ST § 27.52(1)(a)(2)

Repayment: Convicted defendants are liable for payment of the costs of prosecution, without regard to the defendant’s current ability to pay. FL ST § 938.27. Counsel may be provided to a partially indigent person on request, provided that the person defrays that portion of the cost of representation and the reasonable costs of investigation as he or she is able without substantial hardship to the person or the person’s family. FL ST RCRP 3.111

GEORGIA

Definition: An indigent defendant is a person charged with a misdemeanor who earns less than 100 percent of the Federal Poverty Guidelines or a person charged with a felony who earns less than 150 percent of the federal poverty guidelines unless there is evidence that the person has other resources that might reasonably be used to employ a lawyer without undue. In no case shall a person whose maximum income level exceeds 150 percent of the federal poverty level be an indigent person or indigent defendant. GA ST § 17-12-2(6)

FPG: Must make below 100 percent of the Federal Poverty Guidelines to qualify for representation on a misdemeanor charge. Must make below 150 percent of the Federal Poverty Guidelines to qualify for representation on a felony charge. Ineligible if income exceeds 150 percent of the Federal Poverty Guidelines

Bail: N/A

Public Benefits: N/A

Repayment: When a defendant who is represented by a public defender is convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other expenses of the defense if the payment does not impose a financial hardship upon the defendant or the defendant’s dependent or dependents. GA ST § 17-12-51

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

50-State Survey of Financial Eligibility Guidelines for Assigned Counsel

HAWAII

Definition: Indigency is the “financial inability to obtain legal counsel.” HI ST § 802-4. A defendant is indigent if “unable to obtain counsel without substantial financial hardship to himself or his family”. HRS *See State v. Mickle*, 56 Haw. 23, 525 P.2d 1108 (1974)

FPG: Defendants whose income is at or below 150% of the federal Poverty guidelines automatically qualify for representation. *State of Hawaii Office of the Public Defender*

Bail: N/A

Public Benefits: Defendants who are eligible for or who are receiving food stamps (TANF) are automatically eligible. *State of Hawaii Office of the Public Defender*

Repayment: If the court is satisfied that the defendant is financially able to make partial payment for representation . . . the court shall direct payment for such representation as the interests of justice may dictate. HI ST § 802-6

IDAHO

Definition: “Indigent person” means a person who, at the time his need is determined pursuant to section 19-854, Idaho Code, is unable to provide for the full payment of an attorney and all other necessary expenses of representation ID ST § 19-851(4)

FPG: A defendant is presumed to be indigent if his monthly income does not exceed one hundred eighty-seven percent (187%) of the Federal Poverty Guidelines. ID ST § 19-854(2)(a)

Bail: Release on bail does not necessarily prevent a person from being an indigent person. ID ST § 19-854(4)

Public Benefits: Defendants are presumed to be indigent if they receive, or their dependents receive, public assistance in the form of food assistance, health coverage, cash assistance or child care assistance. ID ST § 19-854(2)(b)

Repayment: Upon conviction for any crime an indigent person who receives the services of an attorney provided by the county may be required by the court to reimburse the county for all or a portion of the cost of those services related to the conviction, unless the requirement would impose a manifest hardship on the indigent person. The current inability of the indigent person to pay the reimbursement shall not, in and of itself, restrict the court from ordering reimbursement. ID ST § 19-854(7)

ILLINOIS

Definition: A defendant need not be entirely without funds for purposes of having the right to appointed counsel; rather, a defendant may be indigent if he lacks financial resources on a practical basis to retain counsel. *See People v. Adams*, 328 Ill.Dec. 232, 388 Ill.App.3d 762, 903 N.E.2d 892 (App. 3 Dist.2009)

FPG: N/A

Bail: Release on bail does not preclude a finding of indigency. *See People v. Miller*, 23 Ill.App.3d 149, 318 N.E.2d 739 (App. 5 Dist. 1974.)

Public Benefits: N/A

Repayment: Whenever the court appoints counsel to represent a defendant, the court may order the defendant to pay a reasonable sum to reimburse either the county or the state for such representation. IL ST CH 725 § 5/113-3.1(a). Any sum ordered may not exceed \$500 for a defendant charged with a misdemeanor, \$5,000 for a defendant charged with a felony. IL ST CH 725 § 5/113-3.1(b)

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INDIANA

Definition: A “defendant does not have to be totally without means to be entitled to counsel. If he legitimately lacks the financial resources to employ an attorney, without imposing substantial hardship on himself or his family, the court must appoint counsel to defend him.” *Moore v. State*, 273 Ind. 3, 401 N.E.2d 676 (1980) “It is not possible to set specific monetary guidelines for the determination of indigency.” *Hall v. State*, 826 N.E.2d 99 (Ind. App. 2005)

FPG: N/A

Bail: The fact that a defendant posted bail is a factor in determining indigency. *See Moore v. State*, 273 Ind. 3, 401 N.E.2d 676 (1980)

Public Benefits: N/A

Repayment: If the court finds that the person is able to pay part of the cost of representation by assigned counsel, the court shall order the person to pay the following: For a felony action, a fee of one hundred dollars (\$100). For a misdemeanor action, a fee of fifty dollars (\$50). IN ST 25-33-7-6(c)(1),(2). If at any stage of a prosecution for a felony or a misdemeanor the court makes a finding of ability to pay the costs of representation, the court shall require payment by the person of the following costs in addition to other costs assessed against the person: Reasonable attorney’s fees if an attorney has been appointed for the person by the court. IN ST 33-40-3-6(a)(1),(2)

IOWA

Definition: An indigent person is someone whose income is at or below 125% of the Federal Poverty Guidelines, unless the court determines they are able to pay for an attorney. IA ST § 815.9(1)(a). A person whose income is above 125% but below 200% is not indigent unless the court makes a finding that not appointing counsel would cause substantial hardship. IA ST § 815.9(1)(b)

FPG: Presumptively eligible if income at or below 125% of the Federal Poverty Guidelines. IA ST § 815.9(1)(a). Eligible if failure to appoint counsel would result in substantial hardship if income above 125% and below 200% of the Federal Poverty Guidelines. IA ST § 815.9(1)(b)

Bail: N/A

Public Benefits: N/A

Repayment: If a person is granted an appointed attorney, he is required to reimburse the state the total cost of legal assistance. IA ST § 815.9(3). If convicted in a criminal case, the court shall order the payment of the costs of legal assistance as restitution or order community service in lieu of restitution. IA ST § 815.9(5). If acquitted in a criminal case, the court shall order the payment of all or a portion of the cost of legal assistance, to the extent the person is reasonably able to pay. IA ST § 815.9(6)

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KANSAS

Definition: An indigent defendant is someone who is financially unable to employ counsel. If the defendant's assets and income are not sufficient to cover the anticipated cost of effective representation, the defendant shall be determined indigent in full or in part and the court shall appoint an attorney. KS ST 22-4504(b)

FPG: An eligible defendant shall mean a person whose combined household income and liquid assets equal less than the most current Federal Poverty Guideline. KAR § 105-4-1

Bail: N/A

Public Benefits: N/A

Repayment: The Kansas State Board of Indigent Defense Services sets attorney cost reimbursement rates based on the level of offense and whether the case went to trial. They range from \$300 to \$8,635. KAR § 105-11-1

KENTUCKY

Definition: A “needy person” or “indigent person” means a person eighteen years of age or older who, at the time his or her need is determined, is unable to provide for the payment of an attorney and all other necessary expenses of representation. KY ST § 31.100(3)(a)

FPG: The Federal Poverty Guidelines are one of the factors considered when determining indigency. KY ST § 31.120(2)(h)

Bail: Payment of bail by the defendant or another person is a factor considered when determining indigency. KY ST § 31.120(2)(l)

Public Benefits: N/A

Repayment: The court shall conduct a hearing to determine whether a person who has requested a public defender is able to pay a partial fee for legal representation, the other necessary services and facilities of representation, and court costs. The court shall order payment in an amount determined by the court and may order that the payment be made in a lump sum or by installment payments to recover money for representation provided. KY ST § 31.211(1)

LOUISIANA

Definition: A person will be deemed “indigent” who is unable, without substantial financial hardship to himself or to his dependents, to obtain competent, qualified legal representation on his own. “Substantial financial hardship” is presumptively determined to include all defendants who receive public assistance ... or earns less than two hundred percent of the Federal Poverty Guideline. LA RS § 15.175(A)(1)(b)

FPG: Defendants earning less than 200% of the Federal Poverty Guidelines are presumptively indigent. LA RS § 15.175(A)(1)(b)

Bail: Release on bail alone shall not disqualify a person for appointment of counsel. LA RS § 15.175(B)(2)

Public Benefits: The court may consider such factors as income or funds from employment or any other source, including public assistance. LA RS § 15.175(B)(1)

Repayment: To the extent that a person is financially able to provide for an attorney, other necessary services, and facilities of representation and court costs, the court shall order him to pay for these items. The court may order payment in installments, or in any manner which it believes reasonable and compatible with the defendant's financial ability. LA RS § 15.176(A)

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MAINE

Definition: A defendant does not have sufficient means with which to employ counsel if the defendant's lack of resources effectively prevents the defendant from retaining the services of competent counsel. ME R RCRP 44(b)

FPG: The defendant's income must be below 110% of the Federal Poverty Guidelines to be eligible for assigned counsel. Maine Commission on Indigent Legal Services Chapter 401, Section 1 (2)(D)

Bail: Cash bail is considered an asset for determining eligibility for assigned counsel. Maine Commission on Indigent Legal Services Chapter 401, Section 1 (1)(B)

Public Benefits: When determining eligibility, income includes Social Security, TANF, VA, unemployment and workers compensation. Maine Commission on Indigent Legal Services Chapter 401, Section 1 (1)(A)

Repayment: If a defendant's income exceeds necessary monthly expenses, the applicant should be required to make periodic payments based on that amount to reimburse the state for the cost of assigned counsel. Maine Commission on Indigent Legal Services Chapter 401, Section 1 (2)(E) Cash bail is also used to reimburse counsel fees paid by the state. Maine Commission on Indigent Legal Services Chapter 401, Section 2 (1)

MARYLAND

Definition: A defendant is indigent if he cannot provide the full payment of an attorney and all other necessary expenses of representation without undue financial hardship. MD CRIM PROC § 16-210(a)

FPG: For an individual whose assets and net annual income are less than 100% of the federal poverty guidelines, eligibility may be determined without an assessment regarding the need of the applicant. MD CRIM PROC § 16-210(b)

Bail: The fact a defendant has posted bail cannot be used as a ground to deny appointed counsel. *See Baldwin v. State*, 51 Md. App. 538 (1982)

Public Benefits: N/A

Repayment: A court exercising criminal jurisdiction shall order a defendant to reimburse the state for services rendered to the defendant by the Public Defender as a term or condition of a sentence, judgment, or probation imposed by the court, unless the court affirmatively finds that the defendant cannot make the reimbursement; and waives the term or condition. MD CRIM PROC § 16-211(c)(1)(i),(ii)

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MASSACHUSETTS

Definition: An indigent person is someone who is receiving an annual income, after taxes, 125 percent or less of the Federal Poverty Guidelines. MA R S CT 3:10, Section 1(f)(ii)

FPG: Defendants who make less than 125% of the Federal Poverty Guidelines are considered “indigent” and those making more than 125% but less than 250% are considered “indigent but able to contribute.” MA R S CT 3:10, Section 1(g)(i),(ii)

Bail: N/A

Public Benefits: A person is considered indigent if they are receiving certain needs-based forms of public assistance. MA R S CT 3:10, Section 1(f)(i). Income for purposes of determining indigency includes payments from social security and public assistance programs. MA R S CT 3:10, Section 1(e)

Repayment: If a party is determined to be indigent but able to contribute, the judge shall order the party to pay a reasonable amount to the probation officer or other appropriate court employee toward the cost of counsel. The amount ordered to be paid shall be based on the financial circumstances of the party. MA R S CT 3:10, Section 10(c)(ii)

MICHIGAN

Definition: A defendant is considered to be indigent if he or she is unable, without substantial financial hardship to himself or herself or to his or her dependents, to obtain competent, qualified legal representation. Substantial financial hardship shall be rebuttably presumed if the defendant receives personal public assistance or earns an income less than 140% of the Federal Poverty Guideline. MI ST 780.991(3)(b)

FPG: Defendant rebuttably presumed eligible if income is less than 140% of the Federal Poverty Guideline. MI ST 780.991(3)(b)

Bail: N/A

Public Benefits: The court may consider such factors as income or funds from employment or any other source, including personal public assistance. MI ST 780.991(3)(a). Receiving certain forms of public assistance creates a rebuttable presumption of eligibility. MI ST 780.991(3)(b)

Repayment: N/A

MINNESOTA

Definition: A defendant is financially unable to obtain counsel if the court determines that the defendant, through any combination of liquid assets and current income, would be unable to pay the reasonable costs charged by private counsel in that judicial district for a defense of the same matter. MN ST § 611.17(a)(2)

FPG: Courts cannot rely solely on the Federal Poverty Guidelines, but they can be used as a factor when determining eligibility for assigned counsel. *See State v. Jones*, 772 N.W.2d 496 (Minn. 2009)

Bail: N/A

Public Benefits: If a defendant receives “means tested government benefits,” they are presumptively eligible for assigned counsel. MN ST § 611.17(a)(1),(2)

Repayment: If the court determines that the defendant is able to make partial payment, the court shall direct the partial payments to the state general fund. MN ST § 611.20(2). A court may order a defendant to reimburse the state for the cost of the public defender. The court may accept partial reimbursement from the defendant if the defendant’s financial circumstances warrant establishing a reduced reimbursement schedule. MN ST § 611.20(4)(a)

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MISSISSIPPI

Definition: A defendant is indigent when he or she is unable to employ counsel. MS ST § 99-15-15

FPG: Varies by County

Bail: N/A

Public Benefits: Varies by County

Repayment: N/A

MISSOURI

Definition: A defendant is indigent when it appears from all the circumstances of the case including his ability to make bond, his income and the number of persons dependent on him for support that the person does not have the means at his disposal or available to him to obtain counsel in his behalf and is indigent. MO ST 600.086(1)

FPG: A defendant may be considered indigent if his or her gross pay and other sources of income do not exceed the Federal Poverty Guidelines. MO CSR 10-3.010(2)(A)

Bail: The ability to make bail is considered a factor when determining indigency. MO ST 600.086(1)

Public Benefits: Unemployed defendants receiving public assistance are eligible for defense services regardless of the amount of the benefits. MO CSR 10-3.010(2)(A). If a defendant is receiving disability payments, pension, unemployment compensation or Social Security, this is considered income. MO CSR 10-3.010(2)(A)

Repayment: If a person is determined to be eligible and if he or she is able to provide limited cash contributions toward the cost of representation without imposing a substantial hardship, such contributions shall be required as a condition of representation. If at any time, either during or after the disposition of the case, defendants become financially able to meet all or some part of the cost of services rendered, they shall be required to reimburse the commission in such amounts as they can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with a schedule of charges for public defender services prepared by the commission.² MO CSR 10-3.010(2)(A)

². The schedule of charges varies based on the level of offense and the point at which the case was resolved. Reimbursement amounts range from \$65 for the early resolution of a misdemeanor to \$12,500 for a charge that carries the death penalty.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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MONTANA

Definition: A defendant is indigent if the defendant's gross household income is at or less than 133% of the Federal Poverty Guidelines or disposable income and assets are insufficient to retain competent private counsel without substantial hardship to the applicant or the members of the applicant's household. MT ST 47-1-111(3)(a),(b)

FPG: A defendant is indigent if the defendant's household income is less than 133% of the Federal Poverty Guidelines. MT ST 47-1-111(3)(a)

Bail: A defendant may not be deemed ineligible for assigned counsel based solely on an ability to post bail. MT ST 47-1-111(4)

Public Benefits: Public benefits may be considered since "gross household income" is defined as "all income received by all individuals of a household while they are members of the household." MT ST 15-30-2337

Repayment: The court shall determine whether a convicted defendant should pay the costs of counsel assigned to represent the defendant as follows: a plea of guilty to one or more misdemeanor charges is \$250; a plea of guilty to one or more felony charges is \$800. MT ST 46-8-113(1)(a). If the case goes to trial, the defendant shall pay the costs incurred by the office of state public defender for providing the defendant with counsel in the criminal trial. MT ST 46-8-113(1)(b)

NEBRASKA

Definition: Indigent shall mean the inability to retain legal counsel without prejudicing one's financial ability to provide economic necessities for one's self or one's family. NE ST § 29-3901(3)

FPG: Defendants whose annual gross income is less than 125% of the Federal Poverty Guidelines are considered indigent. District Court Local Rule 3-13(B)(7)(a)(ii)

Bail: Funds used for posting bail are not considered "available funds" for the purposes of retaining counsel. District Court Local Rule 3-13(B)(2)

Public Benefits: Social security, unemployment benefits and other forms of public assistance may be considered as "income." District Court Local Rule 3-13(B)(5) See also *State v. Lafler*, 224 Neb. 613 (1987)

Public Benefits: Varies by County

Repayment: N/A

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NEVADA

Definition: A defendant is indigent if “payments for counsel would place an undue hardship on his ability to provide the basic necessities of life for himself and his family. *Rodriguez v. County of Clark*, 120 Nev. 798 (2004)

FPG: Varies by County³

Bail: N/A

Public Benefits: Varies by County

Repayment: If a defendant for whom an attorney is appointed at public expense on account of indigency has property subject to execution or acquires such property within 6 years after the termination of the attorney’s representation, the court shall determine the value of the legal services provided and shall render judgment for that amount.⁴ NV ST 178.398

NEW HAMPSHIRE

Definition: A defendant is indigent if the defendant is financially unable to obtain counsel. NH ST § 604-A:2. The determination of a defendant’s financial ability to obtain counsel shall be made by comparing the defendant’s assets and incomes with the minimum cost of obtaining qualified private counsel. NH ST § 604-A:2-c

FPG: N/A

Bail: N/A

Public Benefits: Income includes all income, whether earned or not, from any source. NH ST § 604-A:2-c

Repayment: Any adult defendant who has had counsel assigned at the expense of the state shall be ordered by the court to repay the state the fees and expenses paid by the state on the defendant’s behalf according to a schedule established by the administrator of the cost containment unit.⁵ NH ST § 604-A:9

3. Nevada’s Indigent Defense Commission issued a report which found that the methods utilized in Nevada’s courts and defender offices to determine eligibility for assigned counsel vary widely. See “Final Report and Recommendations of Supreme Court Indigent Defense Commission” at page 20.

4. The court may also order a defendant to pay all or any part of the expenses incurred by the county, city or state in providing the defendant with an attorney which are not recovered pursuant to NV ST 178.398. The order may be made at the time of or after the appointment of an attorney and may direct the defendant to pay the expenses in installments.

5. The state may also collect from the defendant a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant.

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NEW JERSEY

Definition: An indigent defendant is a person who is formally charged with the commission of an indictable offense and who does not have the present financial ability to secure competent legal representation and to provide all other necessary expenses of representation. NJ ST 2A:158A-2

FPG: Annual gross income must be below 125% of the Federal Poverty Guidelines to assign counsel. See *New Jersey Courts: Income Eligibility Guidelines for Indigent Defense Services*

Bail: The ability of the defendant to make bail and the source of that bail are considered. NJ ST 2A:158A-14(d)

Public Benefits: Income attributed to a defendant includes unemployment, disability, social security and veteran's benefits as well as other forms of public assistance including food stamps. *New Jersey Uniform Defendant Intake Form*

Repayment: In all cases where it appears that the defendant has or reasonably expects to have means to meet some part, though not all, of the cost of the services rendered to him, he shall be required to reimburse the office in such amounts as he can reasonably be expected to pay. NJ ST 2A:158A-16. The reasonable value of the services rendered to a defendant may in all cases be a lien on any and all property to which the defendant shall have or acquire an interest. NJ ST 2A:158A-17(a)

NEW MEXICO

Definition: A "needy person" means a person who, at the time his need is determined by the court, is unable, without undue hardship, to provide for all or a part of the expenses of legal representation from available present income and assets. NM ST § 31-16-2(C)

FPG: The New Mexico Public Defender Department refers to the Federal Poverty Guidelines when determining eligibility for assigned counsel.

Bail: Release on bail does not necessarily prevent him from being a needy person. NM ST § 31-16-5(B)

Public Benefits: N/A

Repayment: To the extent that a person is able to provide for an attorney and the other necessary services of representation, the court may order him to provide for their payment. NM ST § 31-16-5(C). The district attorney may recover reimbursement, from each person who has received legal assistance and who, on the date on which suit is brought, is financially able to reimburse the state for it but refuses to do so. NM ST § 31-16-7(B)

NEW YORK

Definition: An indigent defendant is someone who is financially unable to afford counsel. NY CRIM PRO §§ 170.10 and 180.10. Courts must make a significant inquiry into a defendant's ability to engage a lawyer. See *People v. McKiernan*, 84 NY2d 915 (1994)

FPG: Varies by County⁶

Bail: N/A

Public Benefits: Varies by County

Repayment: N/A

6. A report concluded that New York State had guidelines for the appointment of counsel in only a few of its 62 counties and that, even in those counties, the guidelines were not uniformly applied. See "The Commission on the Future of Indigent Defense Services: Final Report to the Chief Judge of New York State" (2006), at 15-16.

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NORTH CAROLINA

Definition: An indigent person is a person who is financially unable to secure legal representation and to provide all other necessary expenses of representation. NC ST § 7A-450

FPG: N/A

Bail: N/A

Public Benefits: N/A

Repayment: In all cases the court shall direct that a judgment be entered for the money value of services rendered by assigned counsel plus any sums allowed for other necessary expenses which shall constitute a lien as prescribed by the general law of the state applicable to judgments. The value of services shall be determined in accordance with rules adopted by the Office of Indigent Defense Services.⁷ NC ST § 7A-455(b)

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NORTH DAKOTA

Definition: North Dakota Commission on Legal Counsel for Indigents has the authority to define “indigency.” ND ST 54-61-01

FPG: Defendants making more than 125% of the Federal Poverty Guidelines generally do not qualify for assigned counsel. *North Dakota Commission on Legal Counsel for Indigents: Guidelines to Determine Eligibility for Indigent Defense Services*

Bail: Bail should not be a factor in determining indigency. *North Dakota Commission on Legal Counsel for Indigents: Guidelines to Determine Eligibility for Indigent Defense Services*

Public Benefits: Automatically eligible if receiving TANF or SSI. Sources of income considered include social security, veterans and unemployment benefits. *North Dakota Commission on Legal Counsel for Indigents: Guidelines to Determine Eligibility for Indigent Defense Services*

Repayment: A defendant for whom counsel is provided at public expense shall reimburse the state such sums as the state expends on the defendant’s behalf. Unless it finds that there is no likelihood that the defendant is or will be able to pay attorney’s fees and expenses, the court, in its judgment of conviction, shall order the defendant to reimburse the presumed amount of indigent defense costs and expenses. ND ST 29-07-01.1(2)(b)

7. No judgment shall be entered unless the defendant is convicted. NC ST § 7A-455(c)

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OHIO

Definition: An indigent person is an individual who at the time his need is determined is unable to provide for the payment of an attorney and all other necessary expenses of representation. OH ST § 120.03(B)(1) An indigent defendant is someone who is unable to obtain counsel. OH ST RCRP 44(A),(B) *See also State v. Tymcio*, 325 N.E.2d 55 (1975)

FPG: Presumed eligible if making less than 125% of the Federal Poverty Guidelines. “Marginally Indigent” defendants are those making below 187.5% but more than 125% of the Federal Poverty Guidelines.

Bail: Release on bail shall not prevent a person from being determined to be indigent. OH ST § 120.03(B)(1) Any bail/bond expenses for the particular offense at issue should be taken into consideration when determining eligibility. OH ADC 120-1-03 (5)

Public Benefits: Presumed eligible if receiving certain types of public assistance. OH ADC 120-1-03(C)(2) However, other sources of income considered are: unemployment compensation, workers compensation, social security compensation, disability compensation, and all other similar forms of compensation/governmental assistance comprising household income. OH ADC 120-1-03(A)(1)

Repayment: Marginally Indigent Defendants (who make between 125% and 187.5% of the Federal Poverty Guidelines) are subject to recoupment, contribution, or partial payment programs. OH ADC 120-1-03(B)

OKLAHOMA

Definition: An indigent defendant is someone who “is financially unable or without adequate funds or resources to employ counsel.” *McCraw v. State*, 476 P.2d 370 (Okla. Cr. 1970)

FPG: N/A

Bail: Posting bail creates a rebuttable presumption that a defendant is not indigent. OK ST T 22 § 1355A(D)

Public Benefits: N/A

Repayment: The court may order any person represented by assigned counsel to pay the costs for representation in full or in installments after a judicial determination that the person is financially able to pay such costs. *Oklahoma Court of Criminal Appeals Rule 1.14(B)*

OREGON

Definition: A person is financially eligible for appointed counsel if the person is determined to be financially unable to retain adequate counsel without substantial hardship in providing basic economic necessities to the person or the person’s dependent family. OR ST § 151.485(1)

FPG: Defendants making less than 130% of the Federal Poverty Guidelines are presumptively eligible. *ACP / Verification Desk Manual, Oregon Judicial Department*

Bail: Appointed counsel may not be denied to any defendant merely because the defendant has or is capable of depositing security for release. OR ST § 135.050(3)

Public Benefits: Social security, unemployment and veterans benefits are considered when determining eligibility. *ACP / Verification Desk Manual, Oregon Judicial Department*

Repayment: If the court finds that the defendant has financial resources that enable the defendant to pay in full or in part the costs of the legal and other services to be provided at state expense, the court shall enter a limited judgment requiring that the person pay the amount that it finds the person is able to pay without creating substantial hardship in providing basic economic necessities to the person or the person’s dependent family. OR ST § 151.487(1)

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PENNSYLVANIA

Definition: A defendant is indigent if the person is without financial resources or is otherwise unable to employ counsel. PA ST RCRP 122

FPG: Varies by County

Bail: N/A

Public Benefits: Varies by County

Repayment: N/A

RHODE ISLAND

Definition: An “indigent defendant” includes a person who, after payment of necessary expenses for food, shelter and medical care, does not have sufficient income or assets to enable him or her to retain counsel. RI ST § 12-15-8

FPG: N/A

Bail: N/A

Public Benefits: Defendants receiving needs-based government assistance are automatically eligible.

Repayment: N/A

SOUTH CAROLINA

Definition: A person is indigent if the person is financially unable to employ counsel. SC R A CT Rule 602

FPG: A defendant is presumed indigent if the person’s net family income is less than or equal to the Federal Poverty Guidelines. SC R A CT Rule 602

Bail: N/A

Public Benefits: N/A

Repayment: The appointment of counsel creates a claim against the assets and estate of the person who is provided counsel in an amount equal to the costs of representation. SC ST § 17-3-40(A). If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Office of Indigent Defense. SC ST § 17-3-45(A)

SOUTH DAKOTA

Definition: An indigent defendant does not have sufficient money, credit, or property to employ counsel and pay for the necessary expenses of his representation. SD ST § 23A-40-6

FPG: Indigency should be considered without resort to artificially pre-determined standards or guidelines such poverty guidelines used to determine eligibility for public assistance. See *Sate v. Dale*, 439 N.W.2d 112 (S.D. 1989)

Bail: N/A

Public Benefits: Social security and unemployment income should be considered when determining eligibility. See *Sate v. Dale*, 439 N.W.2d 112 (S.D. 1989)

Repayment: If the court finds that funds are available for payment from a defendant, the court may order that the funds be paid as a reimbursement either during the time a charge is pending or after the disposition of the charge, regardless of whether the defendant has been acquitted or the case has been dismissed by the prosecution or by order of the court.⁸ SD ST § 23A-40-10

8. A lien upon all the property, both real and personal, of any person, for whom legal counsel or a public defender has been appointed, may also be filed. SD ST § 23A-40-11

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TENNESSEE

Definition: An “indigent person” is one who does not possess sufficient means to pay reasonable compensation for the services of a competent attorney. TN ST § 8-14-201

FPG: The Federal Poverty Guidelines are a factor in determining indigency. TN ST § 8-14-202(c)(4)

Bail: The ability to make bail is a consideration when determining indigency. TN ST § 8-14-202(c)(6)
See also State v. Gardner, 626 S.W.2d 721 (Tenn. Crim. App. 1981)

Public Benefits: All income, regardless of source, is considered. TN ST § 8-14-202(c)(3)

Repayment: If the court appoints counsel to represent an accused but finds the accused is financially able to defray a portion or all of the cost of the representation, the court shall enter an order directing the party to pay any sum that the court determines the accused is able to pay. The sum shall be subject to execution as any other judgment and may also be made a condition of a discharge from probation. TN ST § 8-14-202(e)

TEXAS

Definition: Indigent means a person who is not financially able to employ counsel. TX CRIM PRO Art. 1.051(b)

FPG: Varies by County⁹

Bail: The court or the courts’ designee may not consider whether the defendant has posted or is capable of posting bail, except to the extent that it reflects the defendant’s financial circumstances. TX CRIM PRO Art. 26.05(m)

Public Benefits: Varies by County

Repayment: If the court determines that a defendant has financial resources that enable him to offset in part or in whole the costs of the legal services provided, the court shall order the defendant to pay during the pendency of the charges or, if convicted, as court costs the amount that it finds the defendant is able to pay. TX CRIM PRO Art. 26.05(g)

UTAH

Definition: “Indigency” means that a person: does not have sufficient income, assets, credit, or other means to provide for the payment of legal counsel and all other necessary expenses of representation without depriving that person or the family of that person of food, shelter, clothing, and other necessities; or has an income level at or below 150% of the United States Poverty Guidelines. UT ST § 77-32-202(3)(a)

FPG: Defendants are eligible for assigned counsel if they earn 150% or less of the Federal Poverty Guidelines.

Bail: N/A

Public Benefits: Financial assistance from state and federal programs may be considered when determining eligibility. *See State v. Vincent*, 883 P.2d 278 (Utah 1994)

Repayment: N/A

9. A survey of the 254 counties in Texas found that 38 counties found defendants eligible for assigned counsel if they made less than 100% of the Federal Poverty Guidelines, 54 counties found defendants eligible for assigned counsel if they made less than 125% of the Federal Poverty Guidelines and 6 counties found defendants eligible for assigned counsel if they made less than 150% of the Federal Poverty Guidelines. See “The Costs and Benefits of an Indigent Defendant Verification Study” by the Texas Task Force on Indigent Defense (2007), at 3.

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VERMONT

Definition: A “needy person” is someone who does not have sufficient assets or income to retain counsel. *See State v. Morgan*, 789 A.2d 928 (2001)

FPG: Defendants must pay a portion of the cost of representation based on a formula derived from the Federal Poverty Guidelines. VT ST T. 13 § 5238(b)

Bail: Release on bail does not necessarily disqualify a person from being a needy person. VT ST T. 13 § 5236(b)

Public Benefits: N/A

Repayment: The court shall require any person assigned counsel to pay for all or part of the cost of representation based upon his or her ability to pay. In all cases the court shall order a minimum payment of \$50.00. The amount of repayment is based on a defendant’s income relative to the Federal Poverty Guidelines; defendants who make more than 200% of the Federal Poverty Guidelines must repay 100% of the costs of representation. VT ST T. 13 § 5238(b)

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VIRGINIA

Definition: An indigent defendant is one whose income is equal to or less than 125% of the Federal Poverty Guidelines. VA ST § 19.2-159(B)(3)

FPG: Counsel shall be appointed for the accused if his available funds are equal to or below 125% of the Federal Poverty Guidelines. VA ST § 19.2-159(B)(3). If the available funds of the accused exceed 125% of the Federal Poverty Guidelines the court may, in exceptional circumstances, appoint an attorney to represent the accused. VA ST § 19.2-159(B)(3)

Bail: N/A

Public Benefits: Defendants who are receiving state or federally funded public assistance are presumptively eligible. VA ST § 19.2-159(B). Social Security and veterans benefits are considered as income. VA ST § 19.2-159(B)(1)

Repayment: If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of prosecution and, if collected, the same shall be paid to the Commonwealth, or the county, city or town, as the case may be. VA ST § 19.2-163(2)

WASHINGTON

Definition: Indigent means a person who, at any stage of a court proceeding, is receiving certain types of public assistance, or has an annual income, after taxes, of 125 percent or less of Federal Poverty Guidelines. WA ST 10.101.010(3)

FPG: A defendant making 125% or less of the Federal Poverty Guidelines is eligible for assigned counsel. WA ST 10.101.010(3)(c)

Bail: The appointment of counsel shall not be denied because the person has posted or is capable of posting bail. WA ST 10.101.020(2)

Public Benefits: Income includes cash payments such as reimbursements received from social security and public assistance programs. WA ST 10.101.010(2)(b)

Repayment: Indigent and able to contribute means a person who is unable to pay the anticipated cost of counsel because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost. WA ST 10.101.010(4). All persons determined to be indigent and able to contribute shall be required to execute a promissory note at the time counsel is appointed. WA ST 10.101.020(5)

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WEST VIRGINIA

Definition: Defendants are presumptively eligible if they are receiving assistance from certain federal programs that are based on the Federal Poverty Guidelines or have an income below 125% of the Federal Poverty Guidelines.¹⁰ *West Virginia Public Defender Services: Financial Guidelines for Determining Eligibility*

FPG: Defendants may be eligible if their income is below 125% of the Federal Poverty Guidelines. *West Virginia Public Defender Services: Financial Guidelines for Determining Eligibility*

Bail: Whether a defendant has posted a cash bond or has obtained release on bond through the services of a professional bondsman is a factor in determining eligibility. WV ST § 29-21-16(e)(8)

Public Benefits: N/A

Repayment: N/A

WISCONSIN

Definition: Defendants are eligible for appointed counsel if the anticipated costs of retained counsel exceeds the assets and income deemed available to pay the costs of legal representation.¹¹ *Wisconsin Administrative Code: State Public Defender Board 3.03(a)(b)*

FPG: Income is available to apply to the costs of legal representation if it exceeds 115% of the Federal Poverty Guidelines. *Wisconsin Administrative Code: State Public Defender Board 3.03(3)*

Bail: N/A

Public Benefits: Defendants are eligible for assigned counsel if their only income is from certain needs-based assistance programs. *Administrative Code: State Public Defender Board 3.03(5)*

Repayment: A person has the ability to pay some amount towards the costs of legal representation if the person has a gross income in excess of the Federal Poverty Guidelines. *Administrative Code: State Public Defender Board 6.025(1)*. Amount of contribution is determined by a schedule set by the State Public Defender Board.¹²

10. The agency [West Virginia Public Defender Services] shall establish, and periodically review and update financial guidelines for determining eligibility for legal representation made available under the provisions of this article. The agency shall adopt a financial affidavit form for use by persons seeking legal representation made available under the provisions of this article. WV ST § 29-21-16(a)

11. The State Public Defender Board is responsible for promulgating rules regarding financial eligibility for assigned counsel. WI ST 977.02

12. See *Wisconsin Administrative Code: State Public Defender Board 6.01 and 6.02*.

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WYOMING

Definition: Any person financially unable to obtain adequate representation who is charged with a crime is entitled to appointed counsel. Wyoming Rules of Criminal Procedure 44(a)(1). A person is entitled to the appointment of counsel if, at the time counsel is needed, the person is unable to provide for the full payment of an attorney and all other necessary expenses of representation. Wyoming Rules of Criminal Procedure 44 (d)

FPG: N/A

Bail: Release on bail does not necessarily prevent a person from being determined to be needy. WY ST § 7-6-106(b)

Public Benefits: All sources of income are considered. Wyoming Rules of Criminal Procedure 44 (d)(2)

Repayment: If the court determines the person is able to provide any amount as reimbursement, the court shall order the person to reimburse the state for all or part of the costs of the services provided. WY ST § 7-6-106(c). If the court orders release on bail pending trial or appeal, probation before sentence, suspended sentence or probation, the court shall order the needy person as a condition of bail, sentence or probation to repay the state for expenses and services provided by appointed attorneys if the court determines the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay. WY ST § 7-6-106(e)
