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MEMORANDUM

August 1, 2013

TO: Members of the Juvenile Defense Attorney Interim Committee

FROM: Dave DeNovellis, Researcher, 303-866-3140

SUBJECT: The Role of the Office of the State Public Defender and State Law Concerning Indigency Guidelines

This memorandum provides an overview of the role of the Office of the State Public Defender and the state indigency guidelines regarding the appointment of counsel.

The Role of the Office of the State Public Defender

The Office of the State Public Defender (OSPD) is established pursuant to Section 21-1-101 *et seq.,* C.R.S., as an independent entity within the Colorado Judicial Branch The single purpose of the OSPD is to represent indigent persons, including juveniles, who are under arrest for or charged with crimes where there is the possibility of being jailed or imprisoned.

The state public defender is appointed by the five-member, court-appointed Public Defender Commission. The commission also has oversight of the OSPD. The OSPD consists of 21 regional trial offices and one appellate division throughout Colorado's 22 judicial districts and 64 counties, and the office employs approximately 410 lawyers and 240 other staff positions. A map of the 22 OSPD offices is included in Attachment A.

The statutory and financial guidelines for state-appointed counsel are contained in Chief Justice Directive 04-04, which was last updated in July 2011 (Attachment B). In cases where there is a conflict of interest for the OSPD, the Office of Alternate Defense Counsel (OADC) must provide legal representation to indigent persons and juveniles.[1] The OADC provides legal representation by contracting with licensed attorneys and investigators. Public defenders and other court-appointed attorneys may hire case investigators, paid for by the Office of the State Court Administrator, subject to authorization by the presiding judge or magistrate. Maximum rates and fees for court-appointed attorneys and investigators that are not a part of the OSPD are set by the Colorado Supreme Court.

[1]Section 21-2-103, C.R.S.

Indigency Determination

State law requires that the OSPD represent indigent persons without charge.[2] OSPD determines whether a person is indigent based on financial guidelines established by the Colorado Supreme Court. The income eligibility guidelines were last revised in March 2013. Persons seeking representation by a public defender, or, in the case of juveniles, the juvenile's parent or legal guardian, must submit a public defender, court-appointed counsel, or guardian ad litem application (Form JDF 208, Attachment C). OSPD evaluates three factors to determine if an applicant is eligible for representation by a public defender:

- gross household income;
- household expenses compared to gross household income; and
- the criminal charge compared to assets which may be used to pay defense costs.

For example, if an applicant is at or below the income guidelines, he or she is eligible for a public defender. An applicant is eligible if he or she is within 10 percent of the income guidelines and has monthly expenses that exceed his or her income by over $100. An applicant is also eligible if he or she is within 75 percent of the income eligibility guidelines, is charged with a Class 1, 2, or 3 Felony, and has less than $750 in assets that could be used to cover defense costs. The eligibility scoring instrument is included in Chief Justice Directive 04-04.

Determinations made by the OSPD are subject to review by the court. If a public defender or other court-appointed counsel makes an appearance based on the application, the court may assess a $25.00 fee to the applicant at the time of the final disposition of the case. State law requires defendants to repay all or part of the expense of state-supplied or court-appointed representation if the court finds that the defendant is able to do so.[3] Either the court or the OSPD is required to reassess the indigency status of a person requesting court-appointed representation for purposes of an appeal.

Additionally, the court may appoint counsel for a juvenile if the juvenile's parent, guardian, or legal custodian refuses to retain counsel for the juvenile.[4] The court may order the parent or guardian to reimburse the cost of representation if it does not find good cause for the refusal. An example of good cause includes when a family member is alleged to be the victim of the juvenile's actions.

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[2]Section 21-1-103, C.R.S.

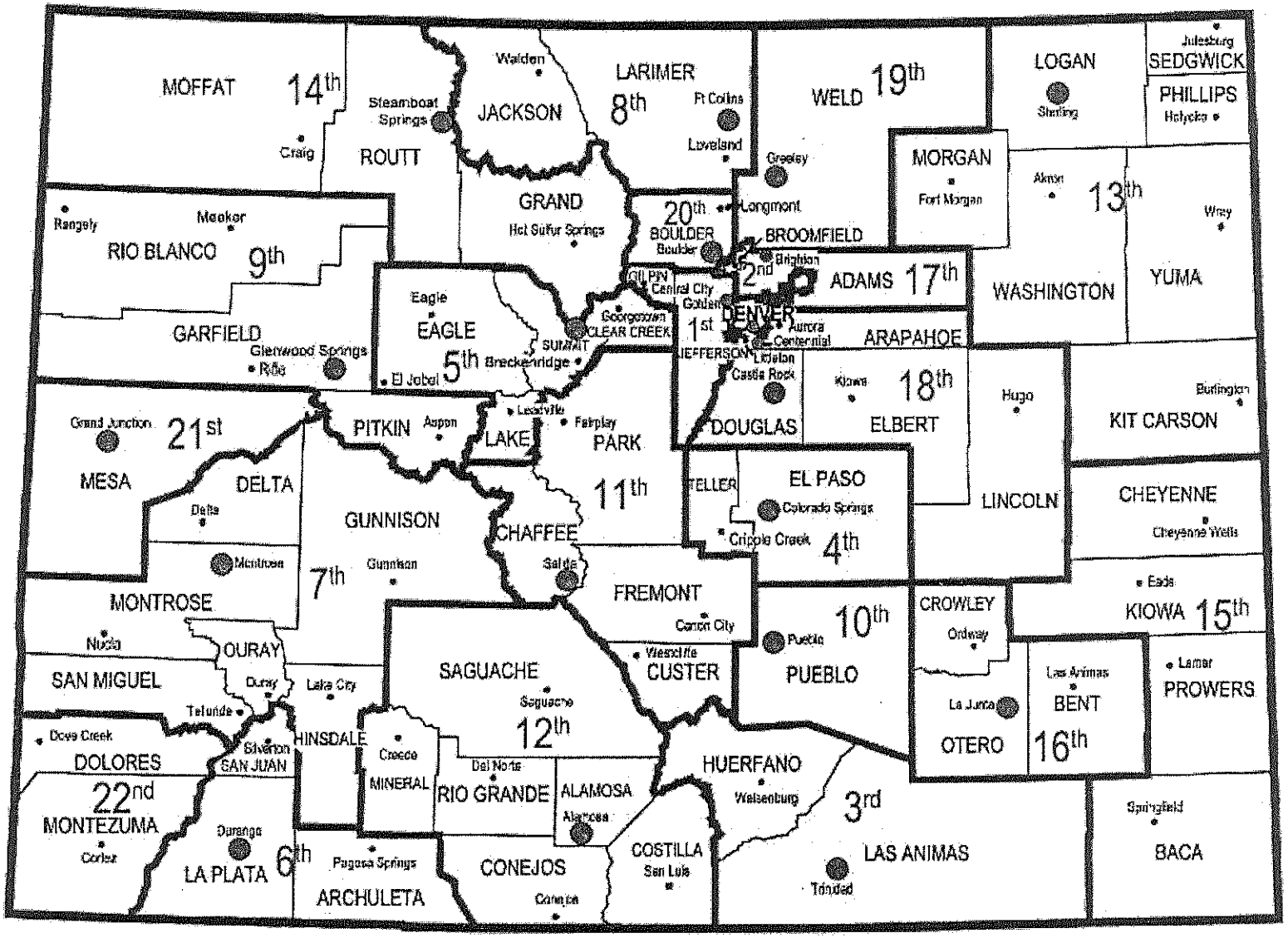
[3]Section 21-1-106, C.R.S.

[4]Section 19-2-706 (2), C.R.S.

Attachment A

OFFICES: The following is a map of Colorado's 22 Judicial Districts. The dots on the following map represent OSPD office locations.

CO Public Defender Offices



Attachment B

Chief Justice Directive 04-04
Amended July 2011

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

APPOINTMENT OF STATE-FUNDED COUNSEL IN CRIMINAL AND JUVENILE DELINQUENCY CASES AND FOR CONTEMPT OF COURT

I. Statutory Authority

A. The federal and state constitutions provide that an accused person has the right to be represented by counsel in criminal prosecutions. This constitutional right has been interpreted to mean that counsel will be provided at state expense for indigent persons in all cases in which actual incarceration is a likely penalty, unless incarceration is specifically waived as a sentencing option pursuant to §16-5-501, C.R.S., or Alabama v. Shelton, 535 U.S. 654 (2002), or there is a waiver of the right to counsel at the advisement.

B. State funds are appropriated to the Office of the Public Defender to provide for the representation of indigent persons in criminal and juvenile delinquency cases pursuant to §21-1-103, C.R.S.

C. State funds are appropriated to the Office of Alternate Defense Counsel to provide for the representation of indigent persons in criminal and juvenile delinquency cases in which the Public Defender declares a conflict of interest pursuant to §21-2-101, C.R.S.

D. Section 19-2-706(2), C.R.S., provides for the representation of juveniles in delinquency cases in which (1) the parent or legal guardian refuses to retain counsel for the juvenile, or (2) the court finds such representation is necessary to protect the interest of the juvenile or other parties involved in the case. When such an appointment is necessary and the juvenile does not qualify for representation by the Public Defender or the Office of Alternate Defense Counsel, the Judicial Department will pay for the costs of counsel and investigator services. However, reimbursement to the state may be ordered, as outlined in this directive.

E. Colorado Rules of Civil Procedure 107 and 407 provide for the appointment of counsel to an indigent person cited for contempt where a jail sentence is contemplated. If the court appoints private counsel to prosecute a contempt action or to represent an indigent party for contempt charges, the Judicial Department will pay for counsel, as there is no statutory authority for the Public Defender or the Alternate Defense Counsel to represent clients for the sole purpose of addressing contempt charges.

II. Indigency Determination

A. A defendant in a criminal case or a juvenile's parent or legal guardian in a delinquency case must be indigent to be represented by the Public Defender or by Alternate Defense Counsel, in cases of Public Defender conflict, at state expense. Such person(s) must also be indigent or otherwise qualify for court-appointed counsel as described in Section III for the court to authorize the payment of certain costs/expenses. Any defendant in a criminal case, or the juvenile's parent, guardian, or legal custodian in a delinquency case, requesting court-appointed representation on

the basis of indigency must complete Form JDF208, Application for Public Defender, Court-Appointed Counsel or Guardian ad Litem, signed under oath.

B. An indigent person is one whose financial circumstances prevent the person from having equal access to the legal process (Attachments A, B, and C).

C. Pursuant to §21-1-103 (3), C.R.S., the initial determination of indigency shall be made by the Public Defender subject to review by the court. Therefore, all persons seeking court-appointed representation shall complete form JDF208 and shall first apply with the Office of the Public Defender. The Public Defender will determine if the defendant, or a juvenile's parent or legal guardian in a delinquency case, is eligible for representation in accordance with the fiscal standards.

D. In all cases, the court retains jurisdiction to determine whether the person is indigent based on all the information available. Upon receipt of the finding by the Public Defender on the issue of eligibility for representation in accordance with the fiscal standards, the court shall review the person's application for Public Defender, including any requests for exception to the determination of the Public Defender. Based on a review of all information available, the court shall enter an order either granting or denying the person's request for appointment of the public defender. The court may use the judicial district's Collections Investigator(s) to provide a recommendation to the court relative to the above determinations, if additional analysis is needed.

E. If the court finds the person indigent and appoints the Public Defender, or in the case of a conflict, the Alternate Defense Counsel, the court may consider ordering the person to make reimbursement in whole or in part to the State of Colorado pursuant to law using the process described in Section V. of this Chief Justice Directive.

F. An attorney or other person appointed by the court on the basis of one or more party's inability to pay the costs of the appointment shall provide timely notice to the court in the event financial related information is discovered that would reasonably call into question the party's inability to pay such costs. The court shall have the discretion to reassess indigence, and for purposes of possible reimbursement to the state, the provisions of Section V. of this Chief Justice Directive shall apply. Based upon a reassessment of a party's financial circumstances, the court may terminate a state-paid appointment, require reimbursement to the State of Colorado of all or part of the costs incurred or to be incurred, or continue the appointment in its current pay status.

III. Guidelines for Appointment of Counsel

A. *Appointment of Public Defender*

1. Appointments on the Basis of Indigency: To be eligible for representation by the Public Defender (PD), a defendant, or a juvenile's parent or legal guardian in a delinquency case, must be indigent, as defined above and determined by the PD, subject to review by the court. If such person is indigent, the court shall appoint the PD, except as otherwise provided in paragraph III.B.

2. Appointments To Assist in Motions Under Rule 35 of the Colorado Rules of Criminal Procedure: An indigent defendant may be entitled to representation by the PD to assist in motions under Rule 35 if the court does not deny the motion under Crim. P. 35(c)(3)(IV). If

another attorney represents the defendant and withdraws, the PD may be appointed if the defendant is indigent and there is no conflict with such representation.

3. Appointments for Appeals:

   a. The court or the PD shall reassess the indigency status of a defendant who requests court-appointed counsel, as described in Section II.A., for purposes of appeal.

   b. When an indigent person has an Alternate Defense Counsel attorney for the trial of a criminal or delinquency case, the PD shall be appointed to represent the defendant on appeal unless the court determines that the PD has a conflict of interest.

B. ***Appointment of Alternate Defense Counsel***

The Office of Alternate Defense Counsel (OADC) shall maintain a list of qualified attorneys for use by the courts in making appointments. Upon appointment of an Alternate Defense Counsel attorney, the clerk shall notify the OADC's designee. No more than one attorney may be appointed as counsel for an indigent person except in specific exceptional circumstances. Accordingly, upon specific written request by counsel for appointment of an additional attorney to assist in the defense of an indigent person, the OADC may approve appointment of an additional attorney for good cause shown. Such requests should be made in writing and directed to the OADC. Alternate Defense Counsel shall be appointed under the following circumstances:

1. Conflict-of-Interest Appointments: The PD shall file a motion or otherwise notify the court to withdraw in all cases in which a conflict of interest exists. The court shall appoint an Alternate Defense Counsel attorney to represent indigent persons in cases in which the court determines that the PD has a conflict of interest and removes the PD from the case. The OADC is responsible by statute to handle all PD conflict cases. Therefore, the OADC shall establish policies and procedures to cover instances when Alternate Defense Counsel has a conflict.

2. Appointments To Assist in Motions Under Rule 35 of the Colorado Rules of Criminal Procedure: An indigent defendant may be entitled to conflict-free counsel to assist in motions under Rule 35 if the court does not deny the motion under Crim. P. 35(c)(3)(IV) and if the PD notifies the court that a conflict of interest exists. The provisions of III.B.1. above shall be followed in appointing an Alternate Defense Counsel attorney.

3. Appointments for Appeals: If the court determines that the PD has a conflict of interest, it shall set forth in a written order the reason for the conflict of interest and the court shall appoint an Alternate Defense Counsel attorney to represent the defendant.

C. ***Appointment of Other Counsel***

1. The Clerk of Court or the District Administrator shall maintain a list of qualified private attorneys from which appointments shall be made under this section. Private counsel appointed under the following circumstances will be paid by the Judicial Department as established in this directive:

   a. Exceptional Circumstances: Counsel in Juvenile Delinquency Cases if Parties are Not Indigent: The parents/legal guardians of juveniles are routinely expected to retain and pay for their own private counsel. Upon any request that the State of Colorado /

Judicial Department pay counsel fees and costs, the initial determination shall be whether the party(ies) are indigent, and if so, the Public Defender or ADC shall be appointed, as described above. If the juvenile and parents/guardians are **not** indigent, the court may appoint counsel in a juvenile delinquency case with consideration for the following:

i. Counsel may be appointed if the court deems representation by counsel is necessary to protect the interests of the juvenile or of other parties or if the parent or guardian refuses to retain counsel, pursuant to §19-2-706(2), C.R.S.
ii. If such appointment is made by the court *and* the juvenile and parents/guardians are not indigent (and therefore not eligible for representation by the Public Defender or ADC), the court shall order the parent or guardian to reimburse the court for the costs of counsel and if applicable, investigator appointment.
iii. The court may waive the requirement that the parent/guardian reimburse the costs of representation *if the court finds good cause for the refusal to retain counsel, such as when a family member is alleged to be the victim of the juvenile's actions.*

b. Appointments of Advisory Counsel: There is no constitutional right to the appointment of advisory counsel to assist a *pro se* defendant. However, pursuant to case law, the court may appoint private advisory counsel either 1) at the request of an indigent *pro se* defendant, or 2) over the objections of an indigent *pro se* defendant to ensure orderly proceedings and to provide assistance to the defendant. If the court appoints private advisory counsel for an indigent *pro se* defendant in a criminal case, the Judicial Department will pay for counsel, as there is no statutory authority for the Public Defender or the Alternate Defense Counsel to advise *pro se* defendants.

c. Appointments of Contempt Counsel: Private counsel may be appointed as a special prosecutor or as counsel for an indigent person facing contempt charges when punitive sanctions may be imposed, in accordance with Rule 107(d) and 407(d) of the Colorado Rules of Civil Procedure. Costs and reasonable attorney's fees in connection with the contempt proceeding may be assessed at the discretion of the court.

d. Appointments of Counsel for Grand Jury Witnesses: A witness subpoenaed to appear and testify before a grand jury is entitled to assistance of counsel pursuant to §16-5-204, C.R.S. For any person financially unable to obtain adequate assistance, counsel may be appointed at state expense. Pursuant to case law, no attorney who provides counsel in the grand jury room may represent more than one witness in a single investigation without grand jury permission. If the court appoints counsel for an indigent witness before a grand jury, the Judicial Department will pay for counsel, as there is no statutory authority for the Public Defender or the Alternate Defense Counsel to represent grand jury witnesses.

e. Appointments of Counsel for Witnesses: An indigent witness subpoenaed to appear and testify in a court hearing may be appointed counsel if the witness requests counsel and the judge determines the appointment of counsel is necessary to assist the witness in asserting his or her privilege against self-incrimination. If the court appoints counsel for an indigent witness for this purpose, the Judicial Department will pay for counsel, as there is no statutory authority for the Public Defender or the Alternate Defense Counsel to represent a witness.

2. For appointments under this section, the appointing judge or magistrate shall, to the extent practical and subject to attorney-client privilege, monitor the actions of the appointee to ensure compliance with the duties and scope specified in the order of appointment.

3. Attorneys appointed under this section shall notify the State Court Administrator, in writing, within five (5) days of any malpractice suit or grievance brought against them.

4. Appointees shall maintain adequate professional liability insurance for all work performed. In addition, appointees shall notify the State Court Administrator, in writing, within five (5) days if they cease to be covered by said liability insurance and shall not accept court appointments until coverage is reinstated.

IV. Guidelines for Payment

A. Public Defender Costs

The Public Defender's Office has attorneys on staff (Deputy Public Defenders) to accept appointments. Court costs and other expenses incurred by the Public Defender shall be billed to the Public Defender's Office in accordance with that office's policies and procedures.

B. Office of Alternate Defense Counsel Costs

Claims for payment of counsel and investigator fees and expenses shall be filed with the OADC. A schedule of maximum hourly rates and maximum total fees for OADC state-funded counsel and investigators is shown in Attachment D (1). Court costs incurred by Alternate Defense Counsel attorneys and investigators shall be billed to the OADC in accordance with that office's policies and procedures.

C. Other Court-Appointee's Costs

The fees and costs associated with appointments described under section III. C. shall be paid by the Judicial Department as follows:

1. Fees and Expenses: Appointments may be made by the courts on an non-contract hourly fee basis or contract basis as set forth by the State Court Administrator's Office. A schedule of maximum hourly rates and maximum total fees for state-funded counsel and investigators is shown in Attachment D (2). Upon appointment of counsel or other appointee, court staff shall enter the appointment in the ICON/Eclipse computer system and complete the appointment on the CAC system for payment and tracking purposes. Claims for payment on hourly appointments shall be entered in the Department's **Internet-based payment system (CACS)**; or, if the Financial Services Division of the State Court Administrator's Office has granted the appointee an exception to the requirement to invoice using CACS, claims for payment shall be filed with the District Administrator in the respective judicial district on the Request and Authorization for Payment of Fees (form JDF207). Claims for payment on flat-fee, contract appointments shall be entered in the Department's Internet-based payment system (CACS); or, if the Financial Services Division of the State Court Administrator's Office has granted the appointee an exception to the requirement to invoice using CACS, such claims for payment shall be filed with the State Court Administrator's Office using the process and format required by that office. All requests for hourly payment must be in compliance with Guidelines for Payment of Court-Appointed Counsel and Investigators Paid

by the Judicial Department for Itemized Fees and Expenses on an Hourly Basis (Attachment E) and shall follow the Court-Appointed Counsel and Investigators Procedures for Payment of Fees and Expenses (Attachment F). All hourly payment requests shall be reviewed by the District Administrator or his/her designee to ensure that all charges are appropriate and in compliance with this directive and applicable fiscal policies and procedures, before authorizing the request. The Office of the State Court Administrator may review, verify, and revise, when appropriate, authorizations for payment. All incomplete or erroneous claims will be returned to the attorney or investigator with an explanation concerning the issue(s) identified.

2. Court Costs, Expert Witness Fees, and Related Expenses: Costs incurred by counsel shall be pre-approved, billed to and paid by the appointing court. Court costs include such items as: expert and standard witness fees and expenses, service of process, language interpreter fees, mental health examinations, transcripts, and discovery costs. Payment of all court costs shall be in accordance with applicable statutes, Chief Justice Directives, and other policies and procedures of the Judicial Department, including the Mandated Costs chapter of the Judicial Department's Fiscal Policies and Procedures manual. Out-of-state investigation travel expenses incurred by the appointee must be accompanied by appropriate travel receipts.

3. Investigator Appointments: If a court appointed attorney paid by the Judicial Department requires the services of an investigator, he or she shall submit a motion to the court requesting authority to hire an investigator. The court shall authorize such appointments as the judge or magistrate deems necessary, and shall issue an order authorizing the amount of investigator fees and expenses that may be incurred, not to exceed the maximum fees set forth in Attachment D (2). The Judicial Department shall pay for investigator services under these circumstances.

4. Online Appointee Billing: Appointees shall invoice the Judicial Department using the Department's Internet-based system (CACS) according to the policies and procedures set forth by the State Court Administrator's Office. An appointee may request an exception to this requirement by contacting the Financial Services Division at the State Court Administrator's Office. In the request, the appointee shall describe the extenuating circumstances preventing the use of CACS for invoicing. The Director of Financial Services or his/her designee shall review such requests and shall have final decision authority concerning the granting or denial of the request. Failure of an appointee to learn or avail him/herself of training on the use of CACS is not sufficient cause to warrant an exception.

5. To maintain the security and integrity of CACS, appointees shall immediately notify the Director of Financial Services, or his/her designee, in writing, of any changes in appointee's staffing or practice that may require cancellation or other changes in the CACS login authority or credentials of appointee or appointee's staff.

6. Failure of appointee to appropriately use CACS shall be sufficient grounds for denial of payment and may result in removal from consideration for future appointments.

D. Court Costs, Expert Witness Fees and Investigator Fees of an Indigent Party who is Not Appointed Counsel

1. In certain circumstances, a defendant's court costs, expert witness fees, and/or investigator fees may be paid by the Judicial Department even though the defendant is not being represented by state-funded counsel (i.e., Public Defender; Alternate Defense Counsel; Judicial-paid counsel). Payment by the local court is appropriate if any of the following statements apply:

   a) The defendant is indigent and proceeding *pro se*;
   b) The defendant is indigent and receiving *pro bono*, private counsel;
   c) The defendant is receiving private counsel but becomes indigent during the course of the case, and the court has determined that the defendant lacks sufficient funds to pay for court costs, and that it would be too disruptive to the proceedings to assign the Public Defender or Alternate Defense Counsel to the case.

2. Court costs include such items as: expert and standard witness fees and expenses, service of process, language interpreter fees, mental health examinations, transcripts, and discovery costs. An investigator appointed by the court under this section shall be paid in accordance with the rates and maximum fees established in Attachment D (2). A motion requesting authorization to hire an investigator, to pay court costs, or for expert witness fees shall be submitted to the court. The Court shall authorize such appointments or payments as the judge or magistrate deems necessary, and shall issue an order authorizing the amount of the costs, fees and expenses that may be incurred under this section. For maximum rates for payment of expert witnesses, see CJD 87-01, as amended.

E. In instances in which fees for activity such as travel time, waiting time, and mileage expenses were incurred simultaneously for more than one court appointment, appointees shall apportion the fees or expenses across cases, as applicable. (For example, traveling to/from court would be billed 50% on the client A appointment and 50% on the client B appointment if the appointee made one trip to cover both clients' hearings.)

V. Reimbursement to the State

A. If the court determines, at any time before, during the course of the appointment (at the court's discretion if questions concerning indigence arise), or after the appointment of state-funded counsel, that the person has the ability to pay all or a part of the expenses for representation including related, ancillary costs, the court shall enter a written order that the person reimburse all or a part of said expenses and inform the responsible party of this obligation. Such order shall constitute a final judgment including costs of collection, and may be collected by the state in any manner authorized by law. The court's financial review concerning ability to pay counsel fees and costs may be accomplished with the use of the judicial district's Collections Investigator. If the defendant is placed on probation, the court may require payment for the costs of representation as one of the conditions of probation.

B. If the court appoints counsel for a juvenile in a delinquency case because of the refusal of a non-indigent parent, guardian, or other legal custodian to retain counsel for the juvenile, the court shall order the responsible party(ies) (unless the county department of social services or the Department of Human Services is the responsible party) to reimburse the state for the costs of

counsel unless the court finds there is good cause for the refusal to retain counsel pursuant to §19-2-706(2)(b), C.R.S.

C. Collection of fees and costs related to court-appointed representation may be referred to the Collections Investigator or a private collector that has an agreement for such collection services with the State Court Administrator's Office.

D. Costs for representation provided may be assessed against the responsible party(ies) at the fixed hourly rate for state-funded private counsel, at the state-funded counsel flat fee rate, or at the hourly cost of providing legal representation by the Public Defender or Alternate Defense Counsel for the number of hours reported by counsel to the court. Other costs incurred for the purposes of prosecution of the case may also be assessed including, for example, costs for transcripts, witness fees and expenses, and costs for service of process. In addition, the responsible party(ies) may be required to pay costs of collection. Costs incurred for accommodations required under the Americans with Disabilities Act, such as hearing interpreter fees, may not be assessed.

VI. Complaints

A. All written complaints and documentation of verbal complaints regarding the performance of any state-paid counsel shall be submitted to the District Administrator.

B. All complaints shall be referred by the District Administrator to the appropriate agency or person. Public Defender complaints shall be submitted to the Public Defender's Office. Complaints against an Alternate Defense Counsel attorney shall be submitted to the Alternate Defense Counsel Office. The District Administrator will forward all other complaints to the presiding judge or, if appropriate, the Chief Judge of the district unless a conflict exists due to the judge's involvement in a pending case. If a conflict exists, the District Administrator will forward the complaint to another judge designated for that purpose.

C. If the complaint involves an attorney and the reviewing judge or District Administrator determines that the person may have violated the Colorado Rules of Professional Conduct, the information shall be filed with the Colorado Supreme Court Office of Attorney Regulation Counsel. The Regulation Counsel shall advise the reporting judge or District Administrator and the State Court Administrator of the final outcome of the investigation.

D. Copies of all written complaints and documentation of verbal complaints regarding state-paid counsel shall be forwarded by the District Administrator to the State Court Administrator's Office. The State Court Administrator may investigate a complaint and take action he/she believes is necessary to resolve any concerns or issues raised by the complaint. Such action may include, but is not limited to, terminating the contract with the attorney.

VII. Sanctions

A. All contracts with the Judicial Department for appointments addressed in this Chief Justice Directive shall include a provision requiring compliance with this Chief Justice Directive. Failure to comply with this Directive may result in termination of the contract and/or removal from the appointment list.

B. Judges and Magistrates shall notify appointees that acceptance of the appointment requires compliance with this Directive, and that failure to comply may result in termination of the current appointment and/or removal from the appointment list.

CJD 04-04 is amended and adopted effective July 1, 2011.

Done at Denver, Colorado this 28th day of June, 2011.

/s/
Michael L. Bender, Chief Justice

Attachment A
Chief Justice Directive 04-04

Applicant Name _____ **Court** _____

Case Number _____ **Case Name** _____

FISCAL STANDARDS - ELIGIBILITY SCORING INSTRUMENT

Use information from Form JDF208 and information provided by applicant during screening interview. Circle the points in the category that applies and transfer to the "Points" column. Total at end.

Factor				Points
1. Income Guidelines **Gross income from all members of the household who contribute monetarily to the common support of the household.** Income categories include: wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, Unemployment Benefits, and alimony. **Gross income shall not include income from TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments or other public assistance programs.** **NOTE: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the Applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.)**	At or below guidelines	Up to 10% above guidelines	11% to 75% above guidelines (Not eligible if income is more than 75% above guidelines.)	
	150	**100**	**0**	
2. Expenses vs. Income **(Expenses for nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., shall not be included.)**	Monthly expenses exceed income by over $100	Monthly expenses are within $100 of income	Monthly income exceeds expenses by over $100	
	50	**25**	**0**	
3. Charge (most severe) vs. Assets which could be used to pay defense costs **(Assets to include cash on hand or in accounts, stocks, bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.)**	Class 1 – Class 3 Felony or Habitual Offender related	Class 4 - Class 6 Felony	Class 1 - Class 3 Misdemeanor or jailable Traffic	
Assets $0 - $750	**150**	**125**	**50**	
Assets $751 - $1,500	**125**	**100**	**25**	
Assets $1,501 - $2,500	**100**	**75**	**0**	
Assets $2,501 - $5,000	**75**	**50**	**0**	
Assets $5,001 - $7,500	**50**	**25**	**0**	
Assets $7,501 - $10,000	**25**	**0**	**0**	
Assets over $10,000	**0**	**0**	**0**	
TOTAL POINTS				

150 or greater	**Less than 150**
☐ Indigent - Eligible for Public Defender (Note: Reimbursement of costs of representation may be ordered by the court pursuant to Section 21-1-106, C.R.S.)	☐ Not Eligible for State-Funded Counsel

☐ EXCEPTION REQUESTED TO [ALLOW / DISALLOW] APPOINTMENT OF [PUBLIC DEFENDER / ALTERNATE DEFENSE COUNSEL (if PD conflict)] NOTWITHSTANDING THE ABOVE SCORE. (Documentation justifying request is attached.)

Evaluated by _____ _____ _____
Print/Type Name | Evaluator Signature | Date

Attachment B
Chief Justice Directive 04-04
Revised March 2013

INCOME ELIGIBILITY GUIDELINES (amended January, 2013)						
Family Size	**Monthly Income***	**Monthly Income plus 10%**	**Monthly Income plus 75%**	**Yearly Income***	**Yearly Income plus 10%**	**Yearly Income plus 75%**
1	$1,197	$1,317	$2,095	$14,363	$15,799	$25,134
2	$1,616	$1,777	$2,827	$19,388	$21,326	$33,928
3	$2,034	$2,238	$3,560	$24,413	$26,854	$42,722
4	$2,453	$2,698	$4,293	$29,438	$32,381	$51,516
5	$2,872	$3,159	$5,026	$34,463	$37,909	$60,309
6	$3,291	$3,620	$5,759	$39,488	$43,436	$69,103
7	$3,709	$4,080	$6,491	$44,513	$48,964	$77,897
8	$4,128	$4,541	$7,224	$49,538	$54,491	$86,691
* 125% of poverty level as determined by the Department of Health and Human Services						
For family units with more than eight members, add $335 per month to "monthly income" or $4,020 per year to "yearly income" for each additional family member.						
Source: FEDERAL REGISTER (78FR5182, 01/24/2013)						

FISCAL STANDARDS: PROCEDURES FOR THE DETERMINATION OF ELIGIBILITY FOR COURT-APPOINTED COUNSEL ON THE BASIS OF INDIGENCY

A determination of indigency is necessary for certain appointments addressed in Chief Justice Directive 04-04. Any defendant in a criminal case, or the juvenile's parent, guardian, or legal custodian in a delinquency case, requesting court-appointed counsel on the basis of indigency must apply for counsel as described below. The Public Defender and court staff will determine the applicant's eligibility for appointment of counsel in accordance with the following procedures:

- The defendant shall apply for the Public Defender by completing the Application for Court-Appointed Counsel, form JDF208 (Judicial Department Form).

- If the defendant is in custody and cannot post or is not allowed bail, the Public Defender may automatically elect to represent the defendant, and will notify the court either verbally or in writing of the circumstances.

- If the defendant's income (or that of a juvenile defendant's parents/guardians) is at or below the income eligibility guidelines and he or she has no assets, as determined on form JDF208, the Public Defender may automatically elect to represent the defendant, and will submit the form JDF208 to the court to demonstrate eligibility.

- If the defendant's income (or that of a juvenile defendant's parents/guardians) is more than 75 percent above the income eligibility guidelines, the Public Defender will note that the defendant is ineligible for court-appointed counsel, and will submit the form JDF208 to the court to demonstrate ineligibility.

- If eligibility or ineligibility cannot be determined as described above, the eligibility-scoring instrument (Attachment A, CJD 04-04) will be completed, using information obtained on form JDF208. The form is designed to use income and expenses to determine basic eligibility, with an added factor for assets available to pay for an attorney. The points assigned in the "asset" category take into account both the dollar value of the assets and the class type of charges against the defendant. This is to address variations in the types of expenses that might be incurred due to the nature of the charges.

- The total score will determine whether the defendant will be represented by the Public Defender (or the Alternate Defense Counsel in case of Public Defender conflict), or whether the defendant is not eligible for representation at state expense on the basis of indigency. The Public Defender or defendant may request an exception to the eligibility determination based on the score and may submit documentation of the reasons for the exception to the court, which then has the opportunity to make an appointment decision based on all of the information.

ALTERNATE DEFENSE COUNSEL
MAXIMUM HOURLY RATES [1]

ADC Fees	No Distinction of In/Out of Court Hours	Effective Date*
Death Penalty Case (excludes travel)		
Attorney	$85.00 per hour	July 1, 2006
Investigator	$39.00 per hour	July 1, 2006
Type A Felonies	$68.00 per hour	July 1, 2008
Type B Felonies	$65.00 per hour	July 1, 2008
Juvenile, Misdemeanor & Traffic	$65.00 per hour	July 1, 2008
Authorized Investigator	$36.00 per hour	July 1, 2007
Authorized Paralegal/Legal Assistant	$25.00 per hour	July 1, 2007
Travel (regardless of type of case)		
Attorney	$65.00 per hour	July 1, 2008
Investigator	$36.00 per hour	July 1, 2007
Mileage at rate defined by §24-9-104 C.R.S.	Reimbursement paid per OADC policy.	

* For work performed on or after this date (July 1, 2008)

MAXIMUM TOTAL FEES PER APPOINTMENT

Appointment Type	With Trial / Without Trial	Effective Date
Class 1 felonies & unclassified felonies where the maximum possible penalty is death, life or more than 51 years	$ 24,000 /12,000	July 1, 2008
Class 2 felonies & unclassified felonies where the maximum possible penalty is 41 through 50 years	$ 10,000 / 5,000	July 1, 2008
Class 3, 4, 5 and 6 felonies and unclassified felonies where the maximum possible penalty is from 1 to 40 years	$ 6,000 / 3,000	July 1, 2008
Class 1, 2, and 3 misdemeanors, unclassified misdemeanors, and petty offenses	$ 2,000 / 1,000	July 1, 2008
Juvenile Cases	$ 2,500 / 1,750	July 1, 2008

Juvenile and Misdemeanor Appeals: Refer to OADC web site for minimums/maximums based on case classification.

Felony Appeals and Post-conviction: Refer to OADC web site for minimums/maximums based on case classification.

Investigator maximum fee is what has been previously authorized by the ADC

[1] Rates may vary pursuant to Chief Justice Directive or ADC Order. The appointee should contact the Office of the Alternate Defense Counsel or visit the web site at www.coloradoadc.org if there is a question concerning the current authorized rate.

JUDICIAL PAID APPOINTMENTS

MAXIMUM HOURLY RATES [1]

All Case Types	In-Court and Out-of-Court	Effective Date*
Court-Appointed Counsel Fee	$65.00 per hour	July 1, 2008
Authorized Investigator	$33.00 per hour	July 1, 2006
Paralegal / Legal Assistant Time	$25.00 per hour	July 1, 2006

*** For work performed on or after this date**

MAXIMUM TOTAL FEES PER APPOINTMENT

Appointment Type		With Trial / Without Trial	Effective Date
Class 1 felonies & unclassified felonies where the maximum possible penalty is death, life or more than 51 years	$	24,250 / 12,150	July 1, 2008
Class 2 felonies & unclassified felonies where the maximum possible penalty is 41 through 50 years	$	12,150 / 6,425	July 1, 2008
Class 3, 4, 5 and 6 felonies and unclassified felonies where the maximum possible penalty is from 1 to 40 years	$	8,575 / 4,300	July 1, 2008
Class 1, 2, and 3 misdemeanors, unclassified misdemeanors, and petty offenses	$	$2,150 / 1,450	July 1, 2008
Juvenile Cases	$	2,875 / 2,150	July 1, 2008
Appeal	$	8,575	July 1, 2008
Contempt and Witness	$	1,450	July 1, 2008

- Billable time for appeals begins on the date of appointment and is for the appeal portion of the case only.
- Investigator maximum fee allowed is calculated from the preceding chart using the case classification and the "without trial" maximum, exclusive of expenses.

[1] Rates may vary pursuant to Chief Justice Directive or Order. The appointee should contact the local district court, State Court Administrator's Office or visit the web site at www.courts.state.co.us if there is a question concerning the current authorized rate.

Guidelines for Itemized Hourly Payment: Judicial Paid Appointments Only

Court-Appointed Counsel and Investigators

A) Claims for payment on an hourly basis by shall be submitted using the Judicial Department's online CAC System (if the appointee is authorized to use this system) or submitted to the appointing court on form JDF207 ("Colorado Judicial Department Request and Authorization For Payment Of Fees") including attachments, and shall be in compliance with these guidelines. For appellate counsel only, claims for payment shall be submitted directly to the Court of Appeals. The claims and attachments shall conform to the Procedures for Payment of Fees and Expenses (Attachment F, this CJD). In accordance with this CJD and all other applicable Department policies and procedures, and upon review and approval by the appointing court, the request for payment will be sent to the State Court Administrator's Office (SCAO) for processing. The SCAO may review, verify, and revise, when appropriate, such authorized requests for payment.

B) A schedule of maximum hourly rates for court-appointed counsel is established by the Supreme Court in Attachment D (2) and/or by Chief Justice Order. **No payment shall be authorized for hourly rates in excess of the Chief Justice Directive or Order. The maximum total fee that may be paid to court-appointed private counsel for representation on a case is established in Attachment D (2). This maximum includes appointee fees (both contract flat fees plus hourly, as applicable), allowable incidental expenses, paralegal, legal assistant, and law clerk time. To find the allowed maximum total fee for investigators, exclusive of expenses, use the case classification type and the "without trial" maximum from the chart in Attachment D (2).**

1. If there are unusual circumstances involved in the case and the appointee determines that additional work must be completed that will create fee charges over the maximum allowed, pre-approval for fees in excess is to be obtained by submitting a Motion to Exceed the Maximum to the presiding judge/magistrate. (While there may be exceptions in which pre-approval is not possible before additional work is performed, seeking pre-approval should be the norm.) If satisfied that the excess fees are warranted and necessary, the presiding judge/magistrate should approve such motion. The District Administrator (or designee) should deny further payment unless accompanied by a Motion to Exceed the Maximum and an order granting the Motion by the presiding judge or magistrate.

2. The Motion to Exceed the Maximum must cite the specific special and extraordinary circumstances that justify fees in excess. The judge or magistrate, in his or her discretion, may grant approval with an Order for Fees in Excess which provides a maximum up to 150% of the established maximum as outlined in Attachment D (2) of this Chief Justice Directive. A subsequent Motion to Exceed Maximum must be submitted for the same appointment if total fees are expected to further exceed the maximum established by the judge or magistrate.

C) **All court appointees and investigators must submit their JDF207 or invoice using CACS, as applicable, to the court within six months of the earliest date of billed activity**. For example, for an invoice containing work performed from January 1, 2010 through June 14, 2010, the *court must receive the bill by June 30, 2010.* Any court appointee or investigator desiring to request an exception to the 6-month rule based on unusual circumstances shall make such request in writing to the Director of Financial Services at the SCAO, or the Director's designee, whose decision concerning payment shall be final. Before an exception will be considered, the request must detail

the extraordinary circumstances concerning a bill or portion of a bill wherein the activity does not fall within the six-month rule.

D) The District Administrator or his/her designee will carefully review all hourly payment requests submitted for approval. To assist in this review, attorneys and investigators must submit a detailed itemization of in-court and out-of-court hours with each request for payment as outlined in Procedures for Payment of Fees and Expenses, Attachment F. Authorization for payment is not automatic, and the District Administrator (or designee) must be satisfied that the number of hours billed and expenses charged are appropriate and necessary for the complexity of the issues involved. If there are questions concerning the reasonableness of the bill, the appropriate judge or magistrate will be consulted. If reimbursement to the state is to be ordered and such order is not already entered, the District Administrator or his/her designee shall notify the appropriate judge.

E) Requests by appointees for reimbursement of expenses must include itemized statements and accompany the request for payment. In addition, such requests must comply with Maximum Hourly Rates/Maximum Fees Per Appointment as set forth in Attachment D (2). When practical, a paralegal or legal assistant should be used for tasks that require legal expertise but can be done more cost-effectively by an assistant, such as drafting court motions or performing some legal research. The billable hourly rate for a paralegal or legal assistant time is found in Attachment D (2). The Judicial Department does not pay for the time of administrative support staff. Therefore, charges for time spent on administrative activities, such as setting up files, typing, copying discovery or other items, faxing documents, making deliveries, preparing payment requests, and mailing letters are not reimbursable costs. Attorneys are expected to have sufficient administrative support for these activities.

1. Certain court costs are paid individually by the appointing court (not SCAO) with prior court approval. The appointing court pays court costs incurred by counsel. Counsel or investigators should submit the bills for items listed below directly to the local court and should not include these costs for reimbursement on the Request for Payment form (JDF207) nor through online billing.

   Costs Paid Locally by the Individual Court
   - Cost of subpoenas;
   - Fees and expenses of witnesses;
   - Service of process;
   - Language interpreters;
   - Mental Health examinations/evaluations;
   - Transcripts;
   - Discovery Costs (including: Lexis Nexis research charges, medical records, etc.)

2. Court-appointed counsel and investigators may request reimbursement for certain reasonable out-of-pocket expenses that are incurred on behalf of their clients. The following expenses may be claimed on the Request for Payment form (JDF207) or using CACS.

Other Allowable Expenses

- Copy charges at the rate of $0.10 per page (specify the number of copies made);
- Mileage at the rate defined by §24-9-104 C.R.S. (the actual number of miles must be specified for each trip);
- Long-distance telephone calls at cost (if total billing exceeds $50, it must include a copy of the telephone bill with the following information highlighted: date, phone number, and charges);
- Postage at cost (regular 1st class mail charges);
- Reimbursement for delivery and express mail charges are only reimbursable for a case on appeal. A receipt or invoice for these charges must be attached to the order for payment;
- Requests for payment of overnight travel or out-of-state travel require prior authorization by the court and must be in accordance with state travel regulations as described in the Travel section of the Colorado Judicial Department's Fiscal Policies and Procedures manual. Out-of-state travel expenses incurred by the appointee shall be submitted to the court using form JDF207 with the appropriate copies of travel receipts included.

3. The following items are not authorized for payment or reimbursement.

Non-Allowable Expenses

- Phone calls when no contact is made (i.e., no answer, client not available or message left to call back, etc.);
- Fax charges;
- Parking Fees;
- Items purchased for indigent (or other) persons represented which includes meals, books, clothing, and other personal items;
- Administrative activities (as previously discussed)
- Electronic filing fees for which state funded counsel appointments are exempt;
- Any other cost or expense not authorized under Colorado law or Chief Justice Directive for payment by the state or reimbursement to counsel or other party.

F) In any case in which a payment has been made to the attorney by a party who is later determined to be indigent, the state will reimburse the attorney for the total number of hours expended on the case, less any payments received from the party for fees incurred prior to the determination of indigence. The payment calculation is at the allowed Chief Justice Directive and/or Chief Justice Order hourly rate applicable to when the activity occurred.

G) Attorneys shall maintain records of all work performed relating to court appointments and make all such records available to the Judicial Branch for inspection, audit, and evaluation in such form and manner as the Branch in its discretion may require, subject to attorney/client privilege.

H) The Judicial Department will review and respond promptly to any question or dispute concerning a bill received, submitted, or paid. However, due to research time and record retention limitations, there is a time restriction of two years for billing questions and disputes. The two-year restriction starts from the activity date (or date of service) that is in question. For prompt resolution concerning questions or disputes concerning hourly or contract payment requests, all

questions and disputes must be directed to the local court or State Court Administrator's Office immediately when issues arise.

Judicial Paid Appointments

* Procedures for Payment of Fees and Expenses *

GENERAL INFORMATION

These procedures apply to requests for payment of fees and expenses for court-appointed counsel, other appointees, and investigators paid by the Judicial Department on an hourly basis. Payment requests shall be submitted via the Department's online CAC System (CACS) in accordance with the policies and procedures set forth by the State Court Administrator's Office or, if an exception has been granted pursuant to Section IV.C.4. of this Chief Justice Directive, by using the standardized "Colorado Judicial Department Request and Authorization For Payment of Fees" form JDF207 (Judicial Department Form). Completion, including attachments, should adhere to the procedures described below. Requests for payment that do not include the necessary information will be returned to the appointee or to the court for completion or correction.

All appointees, both hourly and contract, who have not yet received payment from the Judicial Department must submit a completed W-9 form and, if applicable, an "Authorization to Pay a Law Firm" form before a payment can be issued. Payments are issued/submitted to whomever the attorney has authorized and approved on W-9 and "Authorization to Pay a Law Firm" forms. Therefore, if an attorney is no longer with the law firm indicated on a prior W-9 and/or Authorization to pay a Law Firm, he/she must complete a new form(s) and submit them to the Financial Services Division at SCAO. The forms are available from the court or from the Financial Services Division by calling (303) 837-3639.

To change only the mailing address, send the address change to the Colorado Judicial Department, Financial Services Division, 101 W. Colfax, Suite 500, Denver, CO 80202, or call for e-mail instructions.

Billing for Representation of Client with Multiple Cases: When billing for multiple cases in representation of the same client (i.e., companion cases), the appointee should work with the Financial Services Division at the State Court Administrator's Office to ensure the appointments/cases are designated as "concurrent" for billing purposes. Appointees must use the "Concurrent Appointment Notification" form, which is available from the Financial Services Division upon request. This applies to situations in which activity occurs simultaneously in the representation of the party across the multiple cases (example: the appointee attends a single court hearing during which more than one of the client's cases is discussed) and allows for the activity to be billed once via a "master" case. Cases in which the appointee's activity does not overlap multiple cases should not be billed concurrently, and should instead be billed by submitting separate invoices for each respective case.

When an attorney is appointed to continue on a case for the purposes of appeal, payment shall be on an hourly basis even if the original appointment was on a contract, flat fee basis.

A. PROCEDURES FOR BILLING

1. Detail of Itemized Billing

Time sheets must be attached to the JDF207 to support the summarized hours billed. (If CACS online billing is used, the detail is entered in this system.) Time must be described in sufficient detail to justify the amount of time spent on the activity. Time reported must include all time spent between the beginning and ending dates of the billing and must be in chronological order. Time sheets must be legible – preferably typed. Expenses must be described. A sample itemization is shown on the next page.

Rates may vary pursuant to Chief Justice Directive or Order. The appointee should contact the local district court, State Court Administrator's Office or visit the web site at www.courts.state.co.us if there is a question concerning the current authorized rates.

a. The billing detail and itemization needs to include date, distinguish between out-of court and in-court time, and a description of service performed. Time must be billed in ***tenths*** of an hour using the decimal system. One-tenth of an hour is equal to six (6) minutes. For example, 12 minutes is charged as 0.2 hours.
b. Mileage itemization must include the date of the trip, the purpose of the trip, and the number of miles traveled for each trip.

2. Other Attachments

a. Investigators must include the order of appointment appointing the attorney for whom the investigator is working, the court's order authorizing an investigator, and the amount of expenses the investigator may incur.

b. If the total fee request (including past payments and the current invoice) exceeds the maximum fee allowed by this Directive as specified in Attachment D (2), a copy of the court's order authorizing fees beyond the maximum must be submitted. Submitting this copy once is sufficient as long as subsequent billings remain within the newly authorized amount.

c. If total expenses exceed $50, all receipts or invoices for those expenses must be submitted with the invoice. If using CACS online billing, submit the receipts to the local court and clearly indicate the case number and billing time frame for which the receipts relate.

d. All receipts for any expenses outside of the guidelines and an explanation for the additional costs must be submitted.

John Sample, Attorney at Law

Date	Activity	In-court	Out-of-court	Paralegal
05/06/10	Court appearance –pending charges	0.4		
05/06/10	Conf with client, father and DA		1.1	
06/05/10	Review family service plan		0.5	
06/09/10	Court appearance, plea, sentencing	0.3		
06/10/10	Meet with client to discuss placement		1.0	
06/11/10	Prepare motion to reconsider placement			0.2
08/07/10	Travel to Lookout Mtn Detention round trip (57 miles)		1.4	
08/07/10	Conf. With client/staffing at Lookout Mtn.		1.0	
08/07/10	Draft restitution Motion			0.2
08/14/10	Restitution Hearing	0.3		
Dates of service 05/6/10 – 08/14/10	Total hours	1.0	5.0	0.4

SUMMARY OF FEES	**Activity:**	
	6.0 hours @ **$65** per hour	$390.00
	0.4 hours @ $25 per hour	$10.00
	TOTAL FEES	**$400.00**
TOTAL MILEAGE	57 miles @ $0.45 per mile (or rate defined by §24-9-104 C.R.S.)	**$25.65**
SUMMARY OF OTHER EXPENSES	Copies: Police report and complaint = 12 pgs @ $0.10	$1.20
	Postage	$0.44
	TOTAL OTHER EXPENSES	**$1.64**
	TOTAL BILLING	**$427.29**

COMPLETION OF THE JDF207 (Hourly Billing if not billing online)

Completion of the JDF207 form is required by the Judicial Department for payment of court appointees appointed on an hourly basis unless the appointee has been authorized to invoice using CACS (online system). The appointee should keep a copy and submit the original plus one copy. All applicable sections of the form should be completed as indicated in the instructions. Attach all required documents before submitting to the local court. All incomplete Requests for Payment will be returned to the appointee for correction(s).

Section I.
Enter the case number of the charges being billed. When billing for multiple cases in representation of the same client (i.e., companion cases), enter all applicable case numbers. If the bill is for appellate charges, include the appeal case number and the original case number being appealed.

Include the name and number of person/(s) represented, the name of the case, applicable county, name of appointing judge/magistrate and current judge/magistrate. Indicate if the case jurisdiction is district or county.

Section II.
Enter all applicable appointee information, attorney registration number, name, complete address, phone, fax, e-mail. If the address has changed, check new address box. For more information concerning changes, review the General Information section in this attachment.

The Social Security Number or Tax Id Number must be included on each JDF207 (for more information concerning authorized payee changes, review the General Information section in this attachment).

Indicate the appointment date, if you are an original or substitute appointee, if the case has or has not gone to trial, if the case was originally under contract. If originally under contract, explain why an hourly bill is being submitted and the date circumstances changed resulting in hourly billing.

Section III.
Indicate the type of representation provided.

Section IV.
Indicate the authority/statute title allowing for the appointment. This is indicated on the original appointment form/order.

Section V.
The indigency status of the person represented must be noted. If the person is found indigent, use the date of determination. If the person is not indigent, indicate which statement is applicable to the party represented and if reimbursement is to be ordered by the presiding judge. This information is usually included in the order of appointment or may be found in the application for court-appointed counsel (form JDF208) or another affidavit of indigence, as requested by the court.

Section VI.
Under this section all charges are to be summarized.

For the activity *from date*, enter the first chronological date of activity billed from the itemized detail document. For the activity *to date*, enter the last chronological date in which activity occurred as itemized in the detail document. Group the *start* and *to date* for activities in which the effective date of the rates (as set by Chief Justice Directive or Chief Justice Order) are the same.

Instructions for summarizing attorney hours and fees are located on the reverse side of the Request and Authorization for Payment of Fees form (JDF207) #5.

For non-attorney billing activity, summarize all non-attorney hours by category. Next, apply the rate as set by Chief Justice Directive or Chief Justice Order and enter the total charge requested in the right column. Summarize all expenses by type, apply the correlating rates and/or receipts and enter the total charge per category. Charges must correspond to attached receipts.

Total all charges and calculate total amount billed.

Include all prior amounts invoiced for the appointment in the "Total Amount Previously billed" line, (excluding the current request).

Determine the cumulative total of fees charged by appointee for the case by adding the "Total Amount Previously billed" plus the current request amount. If the cumulative total is over the authorized maximum, check the indicator box "Exceeds allowed maximum". Include the Motion to Exceed Maximum and the approved Order to Exceed Maximum (if possible, this should be judge/magistrate pre-approved and not requested after services are performed).

Appointee signature and date are required.

If this is the final bill, check the "Final Bill" box.

APPLICATION FOR PUBLIC DEFENDER, COURT-APPOINTED COUNSEL, OR GUARDIAN AD LITEM

Pursuant to §21-1-103(3), C.R.S., a processing fee of $25.00 may be collected by the court upon final disposition of this case.

Case number: _____ Court Room: _____ District: _____

Most serious charge: _____ Next hearing date/Type: _____

All sections must be completed. Print neatly. If an item does not apply, write N/A.

Applicant	**Applicant's Employer**
Name _____	Company _____
Mailing Address _____	Mailing Address _____
Street Address (if different) _____	Street Address (if different) _____
City, State, Zip _____	City, State, Zip _____
Phone number _____	Phone Number _____ Position _____
Soc. Sec. No. _____ Birthdate _____	Length of Employment _____ Hours/Week _____
Driver's License No. _____ State	Pay Dates: _____ Pay Rate: $
Other Household Members (Spouse, Parent, etc.)	**Other Household Member's Employer**
Name _____	Company _____
Relation to Applicant _____	Mailing Address _____
Mailing Address _____	Street Address (if different) _____
Street Address (if different) _____	City, State, Zip _____
City, State, Zip _____	Phone Number _____ Position _____
Phone number _____	Length of Employment _____ Hours/Week _____
Soc. Sec. No. _____ Birthdate _____	Pay Dates: _____ Pay Rate: $_____
Driver's License No. _____ State _____	

Marital Status: ☐Single ☐Married ☐Separated ☐Divorced Total Number of Dependents (including yourself): _____

Gross Monthly Income (See definitions on reverse for further information.)	**Amount**	**Monthly Expenses (See definitions on reverse for further information.)**	**Amount**
Self (wages, salary, commission)	$	Rent/Mortgage	$
Spouse/Other Household Members		Groceries	
Parents (if same household)		Utilities	
Unemployment Benefits		Clothing	
Social Security/Retirement Funds		Maintenance/Alimony and/or Child Support	
Maintenance/Alimony		Medical/Dental	
Other Income (see Page 2)		Other Expenses (identify source)	
Other Income (see Page 2)		Other Expenses (identify source)	
Total Household Income	$	**Total Expenses**	$
Assets	**Amount**	**Description**	
Savings Account Balance	$	Name of Bank:	
Checking Account Balance		Name of Bank:	
Value of Vehicles		Year and Model:	
Value of Recreation Vehicles		Amount Owed: $	
Value of House		Type:	
Value of Other Property		Type:	
Value of Stocks, Bonds, Mutual Funds		Type:	
Value of Other Investments		Year and Model:	
Total Assets	$	**Convertible to Cash = $**	

References:

1. Name/Address/Phone _____
2. Name/Address/Phone _____

Guidelines:

☐At or below **or** ☐Above **or**

☐Automatically eligible for PD/GAL/RPC (☐In custody &/or bond allowed ☐Out on bond) **or**

☐Refer to scoring instrument (Criminal, Misdemeanor, Traffic, Juvenile Delinquency cases)

Signature of investigator/clerk/PD: _____ Date: _____

I swear under penalty of perjury that the above-contained information is true and complete. I also understand that if the court grants this request, I may later be ordered to reimburse the State of Colorado for attorney fees spent on my behalf.

Client signature _____ Date: _____

Signature of judicial officer: _____ Date: _____

Request: ☐granted **or** ☐denied

APPLICATION FOR PUBLIC DEFENDER, COURT-APPOINTED COUNSEL, OR GUARDIAN AD LITEM

General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A .

A. Gross Monthly Income. Includes income from all members of the household who contribute monetarily to the common support of the household.

- **Income categories to include:**
  Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

Note: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

- **Income categories do not include:**
  TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

B. Liquid Assets. Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

C. Expenses. Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 208.