

## TRIAL COURT ADMINISTRATION

Policy 517

June 6, 2014

### **INDIGENT DEFENSE APPLICATION FEE**

#### **SECTION 1. Authority and Purpose**

Under Administrative Rule 22, the Administrative Council is assigned the responsibility of developing uniform administrative practices for the trial courts.

The Administrative Council recognizes that certain practices must be followed to ensure that fees are collected.

#### **SECTION 2. Procedures for Collecting Indigent Defense Application Fee in Criminal Cases**

The following are procedures to follow regarding the Indigent Defense Application Fee. The application fee applies only to criminal cases, with the exception of infractions. The application fee does not apply to juvenile, child support or mental health cases.

- The application fee will be collected at the clerk's office at the time the application is submitted, not when the application is requested by the defendant. Court personnel cannot refuse to give the application to the defendant if the defendant is unable to pay the fee.
- Trial Court Administrative Personnel should work with jail/correctional center personnel to collect the fee to be submitted with the filing of the application. They need to be informed that the defendant should receive the application whether or not they are able to pay the fee.
- The judge will determine if the fee will be waived in whole or in part.
- If the fee is not waived and the defendant is unable to pay the fee, it will be included as part of the defendant's ledger card and will be collectable during the pending of the case or after disposition.
- There is one fee per assignment of counsel to the defendant, regardless of the number of charges. In other words, if a defendant is appointed counsel and several cases are referred to the counsel under the same appointment there is one fee.
- The application fee is not refundable even if the defendant is later acquitted, if cases are dismissed, if the defendant is not eligible, or if financial circumstances change.
- If the application fee is the only fee owing, a letter will be sent from the clerk stating that the fee must be paid within 30 days. The clerk will make no further active collection efforts if the fee is not paid within 30 days, but the obligation will remain and may be collected through tax intercept or in conjunction with other cases in which the party is obligated.

Approved by Council of Presiding Judges 05/21/04; Amended by Administrative Council 03/14/05; amended 06/06/2014