

## **Guidelines for Counsel Whose Case Has Been Declared Indigent for Costs**

### **Counsel's Motion to Declare Defendant/Client Indigent for Costs should contain the following:**

1. A statement regarding the nature of the case and the charge(s).
2. A statement regarding the amount of attorney's fees and who is paying the fees.
3. A statement regarding whether the Defendant has been released on bail or bond and the amount of that bail or bond.
4. The specific due process costs and services sought and the applicable rates established by law and maximum amounts (caps). Counsel should also indicate the amount sought for each service and the justification/need for such service. If counsel seeks services in excess of rates established by law counsel must demonstrate diligent efforts to find a provider within those rates. For Fiscal Years 2007/2008 and 2008/2009, the rates established by law are the rates previously set by the circuit Indigent Services Committees.
5. Attach the applicable documents; i.e., Clerks Application for Indigency and Affidavit Attesting to Estimated Amount of Attorney's Fees.

### **The Court Order finding the Defendant/Client indigent for costs and approving due process costs should contain the following:**

1. A finding that the Defendant/Client is indigent for costs.
2. The specific due process costs and services approved and the applicable rates and caps.
3. A specific finding of need if the rate or cap will exceed the approved rate or cap and that counsel made diligent efforts to find a provider within the rates established by law.

**Please note that the above guidelines are subject to JAC's Policies and Procedures for Indigent for Costs Counsel, available on this website**