



Montgomery County Common Pleas Court Juvenile Division

380 West Second Street
Dayton, Ohio 45422-4240
Phone (937) 225-4199 Fax (937) 225-5800

Appointed Attorneys & Guardians ad Litem

THE PROCESS TO REPORT YOUR TIME & SUBMIT YOUR BILL

Hourly rates: \$75 per hour in-Court and \$75 per hour out-of court, reported in .10/hour (*six-minute increments*).

Start time: You will be paid for work that occurs as of the earlier of the file-stamp date or "effective date" on your appointment entry.

End time: The file-stamp date on the final dispositional entry for the case. *However*, notice the final paragraph in the magistrate's final dispositional entry: your services are terminated "after the statutory period for filing a timely objection and appeal has expired." You must continue to represent your client's position (and bill for the time) including filing a Notice of Appeal.

In-court time: Any appearance in court, including pretrials, permanency/annual review hearings with the Judge/Magistrate and mediation should be marked in the "In-Court Total" column.

Out-of-court time: Anything case related not in-court.

Expenses: See Juvenile Court Rules of Court

Multiple counts or siblings: One fee bill and one payment for all cases that proceed together through court.

Fee bill: We recommend using the software available by internet access where you will find a free download:

<http://opd.ohio.gov/appointed-counsel/reimbursement>.

Alternatively, you may secure from the Court a copy of the Motion for Approval of Payment of Appointed Counsel Fees and Expenses.

Deadline to submit your bill: By the 30th day following the file-stamped date on the dispositional entry. The entry will be the last to be filed of the following: the Magistrate's decision if no objection, or the Judge's entry that rules on an objection, or the date of your notice of appeal. If the bill is not submitted by the deadline, a written request for a **50% fee reduction** may be submitted to the Judge explaining why it was submitted late.

Limit on payment: \$1,200 maximum for work that occurs between the "start time" and "end time" as described above, including amounts already paid for prior bills submitted under the most recent appointment entry (unless a request for extraordinary fees is approved).

Request for extraordinary fees: Requests for payment of more than \$1,200 will be considered for cases that have **extraordinary, complex issues, have lengthy trials, or that have other out-of-the-ordinary situations**. Your bill must be accompanied by a letter addressed to the assigned Judge explaining, in detail, the nature of the special circumstances to be considered.

Summary of charges, hours, expenses, and billing must be completed on the Motion, Entry, and Certification for Appointed Counsel Fees form. If it is a probation violation, include the original charge, ordinance, degree, and disposition.

Questions: Contact the Administration Department at 937-496-7199.

To ensure payment without delay, the following documents **must** be completed and submitted in accordance with the foregoing, and received by the Court's Administration Department:

1. Your client's Financial Disclosure/Affidavit of Indigency (signed by the client *or* completed by you with an explanation why not signed by client)
2. Copy of Appointment Entry (file-stamped)
3. Motion For Approval of Payment of Appointed Counsel Fees and Expenses
4. Copy of the 1st page of the final dispositional entry (file-stamped)

See the Court website for forms, pleadings, Local Rules, phone numbers, and other information:
<http://mcjcoho.org>

FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Legal Name			Applicant's Preferred Name and Pronoun			Date of Birth			
Mailing Address				City		Email Address			
State	Zip Code	Case No.				Phone		Cell Phone	
SSN Last 4	Gender	Race							
		<input type="checkbox"/> American Indian or Alaskan Native		<input type="checkbox"/> Asian		<input type="checkbox"/> Black or African American		<input type="checkbox"/> Native Hawaiian or Pacific Islander	
		<input type="checkbox"/> Spanish or Latino		<input type="checkbox"/> White		<input type="checkbox"/> Other			

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name	DOB	Relationship	Name	DOB	Relationship
1)			3)		
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place a check mark if:

Ohio Works First/TANF: ___ SSI: ___ SSD: ___ Medicaid: ___ Poverty Related Veteran's Benefits: ___ Food Stamps: ___

Refugee Settlement Benefits: ___ Incarcerated in State Penitentiary: ___ Committed to a Public Mental Health Facility: ___

Other (please describe): _____ Juvenile: ___ *(If juvenile, please continue at Section VIII)*

IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income	\$	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$
TOTAL INCOME			\$

Employer's Name: _____ Phone Number: _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
TOTAL LIQUID ASSETS	\$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation/Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld/Owed	\$
Mental/Dental Expenses or Associated Costs of caring for Infirm Family Member	\$	Credit Card/Other Loans	\$
Rent/Mortgage	\$	Utilities (gas, electric, water, sewer, trash)	\$
Food	\$	Other (specify)	\$
EXPENSES	\$	EXPENSES	\$

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed. For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI. If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets. If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

VII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

IX. APPLICANT CERTIFICATION

I, _____ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Name and title of authorized persons completing form on behalf of applicant. Information obtained via phone or video.

Signature of applicant

Date

X. JUDGE CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason:

_____. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

Judge's signature

Date

XI. NOTICE OF RECOUPMENT

ORC §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D).

XII. JUVENILE'S PARENTS' INCOME* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (gross)	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Typers of Income	\$	\$
	TOTAL INCOME	\$

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.