



Office of the Ohio Public Defender  
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TIM YOUNG  
State Public Defender

**MEMORANDUM**

**DATE: SEPTEMBER 1, 2011**

**TO: COUNTY PUBLIC DEFENDERS  
COUNTY PUBLIC DEFENDER COMMISSIONS  
CLERKS OF COURT  
COURT ADMINISTRATORS**

**FROM: TIM YOUNG, OHIO PUBLIC DEFENDER** 

**RE: NEW FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY FORM**

Effective today, the Office of the Ohio Public Defender is publishing on its website, [www.opd.ohio.gov](http://www.opd.ohio.gov), a significantly revised Financial Disclosure/Affidavit of Indigency form, pursuant to Ohio Administrative Code section 120-1-03. The intent of the changes is to streamline the process of determining indigency, and we hope this goal will be met.

We ask that between now and the end of 2011, each office using the affidavit of indigency begin phasing in use of the new form. Use of the form will be mandated for appointments made beginning January 1, 2012. Failure to use the revised affidavit on or after January 1, 2012 may result in denial of reimbursement.

Any office seeking to use a different form must submit that form to the Office of the Ohio Public Defender before December 1, 2011 for review. However, the presumption by our office will be *against* allowing variances from the revised affidavit as published here. We believe that a uniform format across Ohio's 88 counties ultimately will serve more indigent persons requiring legal assistance in criminal and juvenile proceedings.

The revised form is attached to this email, and is available at the Office of the Ohio Public Defender's website, [www.opd.ohio.gov](http://www.opd.ohio.gov). Should you have questions, please contact Reimbursement Supervisor Kathryn Smith, at (614) 466-5394.

**FINANCIAL DISCLOSURE / AFFIDAVIT OF INDIGENCY**  
 (\$25.00 application fee may be assessed—see notice on reverse side)

**I. PERSONAL INFORMATION**

Applicant's Name	D.O.B.	Person Represented's Name <i>(if juvenile)</i>	D.O.B.
Mailing Address	City	State	Zip Code
Case No.	Phone ( )	Cell Phone ( )	

**II. OTHER PERSONS LIVING IN HOUSEHOLD**

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

**III. PRESUMPTIVE ELIGIBILITY**

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: \_\_\_ SSI: \_\_\_ SSD: \_\_\_ Medicaid: \_\_\_ Poverty Related Veterans' Benefits: \_\_\_ Food Stamps: \_\_\_

Refugee Settlement Benefits: \_\_\_ Incarcerated: \_\_\_ Committed to a Public Mental Health Facility: \_\_\_

Other (please describe): \_\_\_\_\_ Juvenile: \_\_\_ *(if juvenile, please continue at section VIII)*

**IV. INCOME AND EMPLOYER**

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

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	\$
<b>Total Liquid Assets</b>	<b>\$</b>

**VI. MONTHLY EXPENSES**

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out		Telephone	
Child Care (if working only)		Transportation for Work / Fuel	
Insurance		Taxes Withheld or Owed	
Medical / 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)	
<b>EXPENSES</b>	<b>\$</b>	<b>EXPENSES</b>	<b>\$</b>

**VII. INITIAL DETERMINATION OF INDIGENCY**

<b>TOTAL INCOME:</b>	_____	If the total adjusted income is at or below 187.5% of the Federal Poverty Guidelines or if the person represented is unable to retain counsel, the court must appoint counsel for the entire proceeding.  For applicants whose total adjusted income is between 187.5% - 125% of the Federal Poverty Guidelines, see recoupment notice on reverse side.
<b>TOTAL LIQUID ASSETS:</b>	+ _____	
<b>TOTAL EXPENSES:</b>	- _____	
<b>TOTAL ADJUSTED INCOME:</b>	= _____	

**VIII. \$25.00 APPLICATION FEE NOTICE**

By submitting this Financial Disclosure / Affidavit of Indigency 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 seven (7) days of submitting this form to the entity that will make a determination regarding your indigency.

**IX. AFFIDAVIT OF INDIGENCY**

I, \_\_\_\_\_ (applicant or alleged delinquent child) being duly sworn, 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.

\_\_\_\_\_  
Affiant's signature

\_\_\_\_\_  
Date

**Notary Public / Individual duly authorized to administer oath:**

Subscribed and duly sworn before me according to law, by the above named applicant this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, County of \_\_\_\_\_, State of Ohio.

\_\_\_\_\_  
Signature of person administering oath

\_\_\_\_\_  
Title (example: Notary, Deputy Clerk of Courts, etc.)

**X. JUDGE CERTIFICATION**

I hereby certify that above-noted applicant is unable to fill out and / or sign this financial disclosure / affidavit 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**

O.R.C. § 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.

**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, Workers Compensation, Child Support, Other Types of Income		
<b>TOTAL INCOME</b>		<b>\$</b>

**XIII. NON-LIQUID ASSET INFORMATION – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL**

Type of Asset	Describe / Length of Ownership / Make, Model, Year (where applicable)	Estimated Value
Real Estate / Home	Price:\$ Amt. Owed:\$	
Automobiles		
Trucks / Boats / Motorcycles		
Money Owed to Applicant		
<b>TOTAL ASSETS</b>		<b>\$</b>