

CONFIDENTIAL

State of New York

County of Broome

Application for Assignment of Counsel under County Law, Article 18-B

PART I

PERSONAL INFORMATION

Full Name: _____
 Date of Birth: _____
 Home Address: _____

 Cell Phone: _____
 Email: _____
 Number of financial dependents in household and their relationship to you (ex: child, parent, spouse, domestic partner): _____

CURRENT CASE INFORMATION

FF#: _____
 Docket No. (if available): _____
 Name of Court: Broome County Family Court
 Judge: _____
 Petitions Pending: _____

 Next Scheduled Court Date: _____

EMPLOYMENT

Occupation (if a student, indicate the school attending; if self-employed, indicate and describe the nature of employment):

Name and address of Current Employer: _____

Amount of Net (Take-Home) Pay: \$ _____ per Year Month Bi-weekly Weekly **Please Provide a Paystub.**
 If Married, what is your spouse's Net (Take-Home) Pay: \$ _____ per Year Month Bi-weekly Weekly

Instructions for Court/Screeners: Using the FPG Income chart, is the applicant's income at or below 250% of the FPG? Yes No

OTHER CIRCUMSTANCES

1) Is the applicant currently incarcerated, detained, or confined to a mental health facility? Yes No

2) Is the applicant currently receiving need-based public assistance (or recently been deemed eligible, pending receipt)?
 Yes No If yes, check which program: TANF/Family Assistance SNAP Safety Net Assistance SSI/SSP
 Medicaid Public Housing

3) Within the past 6 months, has the applicant been found eligible for assigned counsel in another court case? Yes No

Signature: _____ Date: _____

 Applicant: Stop here. If submitting in person await further instructions.
**** Continue and Complete Part II if submitting by email, fax, or mail. ****

Instructions for Court/Screeners: Is Applicant presumptively eligible for assigned counsel? Yes No
 (If Yes, counsel shall be assigned. If No, proceed to Part II of the application)

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PART II

OTHER INCOME

Does the applicant currently receive pension, annuity, or retirement payments? Yes No

If yes, list the amount: _____

Does the applicant currently receive income from owned real estate? Yes No

If yes, list the amount: _____

List other sources and amount of income the applicant receives (do not include child support or need-based public assistance):

1. _____
2. _____

ASSETS

List estimated total amount currently in applicant's bank accounts (savings and checking): _____

List all real estate applicant owns (see instructions for primary residence exception): _____

Current Market Value (estimate): _____ Amount Owed: _____

List any vehicles applicant owns not necessary for basic life activities: _____

Current Market Value (estimate): _____ Amount Owed: _____

List value of all stocks or bonds in applicant's name: _____

MONTHLY LIVING EXPENSES

Food: \$ _____ Rent or Mortgage Payments: \$ _____ Utilities: \$ _____

Transportation/Auto Expenses (Including Payments & Insurance): \$ _____

Child Care: \$ _____ Child Support Paid Out: \$ _____ Alimony Paid Out: \$ _____

Medical Bills (including Health Insurance, Medications, Medical Debts): \$ _____

List other expenses. Include employment-related expenses, educational loans & costs, minimum monthly credit card payments, unreimbursed medical expenses, and expenses related to age or disability:

1. _____
2. _____
3. _____

Signature: _____ Date: _____

For Court or Screener

COST OF RETAINING PRIVATE COUNSEL

What is the cost of retaining private counsel in your county? \$ _____

Based on the information in the previous section, will this applicant be able to afford the cost of counsel indicated above? Yes No

ELIGIBILITY

Is the applicant eligible for assigned counsel? Yes No

If answering no, state why: _____

ASSIGNED COUNSEL APPLICATION: INSTRUCTIONS

The following are instructions for using the Application for Assignment of Counsel under County Law, Article 18-B to determine if an applicant is financially eligible for assignment of counsel.

Part I of the Application: Is the applicant presumptively eligible?

Part I elicits the information needed to determine if an applicant is presumptively eligible for assignment of counsel. An applicant shall be presumed eligible for the assignment of counsel in any one of the following circumstances:

1. If the applicant's net income is at or below 250% of the currently-updated Federal Poverty Guidelines. To make this determination, refer to the FPG Income Eligibility Chart, using the information about the applicant's net (take-home) pay and number of dependents in the household
2. If the applicant is incarcerated or detained.
3. If the applicant is confined to a mental health facility.
4. If the applicant is currently receiving, or has recently been deemed eligible to receive, any need-based public assistance, including, but not limited to: Family Assistance (pursuant to TANF guidelines), Safety Net Assistance, Supplemental Nutrition Assistance (SNAP), Supplemental Security Income (SSI)/New York State Supplemental Program (SSP) assistance, Medicaid, and public housing.
5. If, within the past six (6) months, the applicant was deemed financially eligible for assigned counsel in another jurisdiction or by a court within the same jurisdiction.

A presumption of eligibility shall be overcome only if there is compelling evidence that the applicant possesses the current available financial resources to pay for a qualified attorney, the expenses necessary for a competent defense, release on bond, and reasonable living expenses.

If ANY of the above-stated presumptions applies, the applicant is presumed eligible, and counsel shall be assigned. The applicant does not have to complete Part II of the application.

If NONE of the above-stated presumptions applies, Part II of the application must be completed with assistance from the Court or screening entity.

The fact that an applicant does not meet one of these presumptions is not, in and of itself, reason to determine that an applicant is not eligible for assigned counsel.

Part II of the Application: Applicant's resources and living expenses

For applicants who are not presumptively eligible for assigned counsel, it is essential to consider, in addition to the information elicited in Part I, more detailed information about the applicant's current available resources (income and assets), living expenses, and financial liabilities. Part II of the application elicits this information.

Other Income and Assets

In completing Part II of the application, the following assets shall **NOT** be considered (unless an exception is specified):

- 1) Third-party income, including parental and spousal income (unless the third party indicates a present intent to pay, the applicant consents, and the arrangement does not interfere with the applicant's representation or jeopardize the confidentiality of the attorney-client relationship).
- 2) Receipt of child support payments.
- 3) Receipt of cash or non-cash stipends under a Federal or State need-based program, including, but not limited to, Public Assistance, SSI/SSP, TANF, SNAP, Unemployment, Workers Compensation, Section 8, or Medicaid reimbursements.
- 4) Primary residence of the applicant unless the fair market value of the home is significant, there is substantial equity in the home, and the applicant is able to access the equity in a time frame sufficient to retain private counsel.
- 5) Vehicles: Any vehicle that the applicant and his or her family members use for transportation to work, school, medical appointments, or for other basic life necessities shall not be considered in determining eligibility for assigned counsel.
- 6) Other non-liquid assets: Other non-liquid assets, such as secondary residences and vehicles not used for basic life necessities, shall not be considered as assets *unless* such assets have a demonstrable monetary value and are readily convertible to cash without impairing applicants' ability to provide for the reasonable living expenses of themselves and their dependents.

While non-liquid assets themselves shall generally not be considered in making eligibility determinations, income or revenue generated from such assets may be considered in determining whether an applicant is eligible for counsel. For example, rent received from a secondary home may be considered as an asset.

Applicant's Monthly Living Expenses

The reasonable living expenses of the applicant and dependents (including, for example, minors, parents, spouses, or domestic partners) shall be considered, as well as other debts and financial obligations. These include the following:

- 1) Medical expenses, including health insurance, of the applicant or any dependents.
- 2) Mortgage or rent payments needed to maintain the applicant's primary residence.
- 3) Utility payments.
- 4) Food costs.
- 5) Automobile insurance and loan payments needed to maintain an automobile necessary for work, education, medical appointments, and other basic life necessities.
- 6) Employment- or educational-related expenses, such as child or dependent care, transportation costs, clothing and supplies.
- 7) Child support payments made by the applicant to another.
- 8) Minimum monthly credit card payments.
- 9) Educational loan payments.
- 10) Non-medical expenses associated with age or disability.