

**KMJA Annual Conference
April 24 & 25, 2017**

Indigence Issues in Municipal Court, from A-Z
Maurice Ryan, Amie Bauer, Karen Torline & Jason Maxwell

Appointing an Attorney for the Indigent Defendant
Amie Bauer

(This information is the same as the power point but in outline format)

After this presentation, you will be able to accurately assess a defendant's finances by efficient application of the methods provided in statute and regulations, to determine if a defendant is indigent.

I. **Indigent is defined as financially unable to employ counsel.**

II. **Statutory Authority:**

A. **K.S.A. 12-4405:** Appointment of counsel, when. If the municipal judge has reason to believe that if found guilty, the accused person might be deprived of his or her liberty and is *not financially able to employ counsel*, the judge shall appoint an attorney to represent the accused person. Financial inability to employ counsel shall be determined by the methods provided in K.S.A. 22-4504.

B. **K.S.A. 22-4504:** Same; determination of indigency; partial indigency, effect; disposition of payments for appointed counsel services; no fee for electronic access to court records. (a) When any defendant who is entitled to have the assistance of counsel, under the provisions of K.S.A. 22-4503, * and amendments thereto, claims to be financially unable to employ counsel, the court shall require that the defendant file an affidavit containing such information and in the form as prescribed by rules and regulations adopted by the state board of indigents' defense services. The affidavit filed by the defendant shall become a part of the permanent file of the case. The court may interrogate the defendant under oath concerning the contents of the affidavit and may direct the county or district attorney, sheriff, marshal or other officer of the county to investigate and report upon the financial condition of the defendant and may also require the production of evidence upon the issue of the defendant's financial inability to employ counsel.(b) Upon the basis of the defendant's affidavit, the defendant's statements under oath, and such other competent evidence as may be brought to the attention of the court, which shall

be made part of the record in the case, the court **shall** determine whether the defendant is financially unable to employ counsel. In making such determination the court **shall** consider the defendant's assets and income; the amount needed for the payment of reasonable and necessary expenses incurred, or which must be incurred to support the defendant and the defendant's immediate family; the anticipated cost of effective representation by employed counsel; and any property which may have been transferred or conveyed by the defendant to any person without adequate monetary consideration after the commission of the alleged crime. If the defendant's assets and income are not sufficient to cover the anticipated cost of effective representation by employed counsel when the length and complexity of the anticipated proceedings are taken fully into account, the defendant shall be determined indigent in full or in part and the court **shall** appoint an attorney as provided in K.S.A. 22-4503,* and amendments thereto. If the court determines that the defendant is financially able to employ counsel, the court **shall** so advise the defendant and **shall** give the defendant a reasonable opportunity to employ an attorney of the defendant's own choosing. All determinations by a court as to whether a defendant is financially unable to employ counsel shall be subject to and in accordance with rules and regulations adopted by the state board of indigents' defense services under this act. (c) The court **shall** inform the defendant for whom counsel is appointed that the amount expended by the [city] in providing counsel and other defense services may be entered as a judgment against the defendant if the defendant is convicted and found to be financially able to pay the amount, and that an action to recover such amount may be brought against any person to whom the defendant may have transferred or conveyed any of the defendant's property without adequate monetary consideration after the date of the commission of the alleged crime. A determination by the court that the defendant is financially unable to employ counsel or pay other costs of the defendant's defense may preclude a recovery from the defendant but may not preclude recovery from any person to whom the defendant may have transferred or conveyed any property without adequate monetary consideration after the date of the commission of the alleged crime.(d) ...(e) The determination that a defendant is indigent or partially indigent shall be subject to review at any time by any court before whom the cause is then pending. (f) The state board of indigents' defense services shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, relating to the income, assets and anticipated costs of representation for the purpose of determining whether a defendant is financially able to employ counsel and the ability of a defendant to contribute to the cost of the defendant's legal defense services.(g) ...*(K.S.A. 22-4503 in part states, (a) A defendant charged by the state of Kansas in a complaint, information or indictment with any felony is entitled to have the assistance of counsel at every stage of the proceedings against such defendant and a defendant in an extradition proceeding, or a habeas corpus proceeding pursuant to K.S.A. 22-2710,)

C. Break it down:

1. 3 methods for indigent inquiry in K.S.A. 22-4504 (a)
 - a) court shall require an affidavit,
 - b) court may interrogate defendant regarding the affidavit and
 - c) court may direct CA, sheriff or marshall or other officer of the county to investigate financial condition of defendant.

(1) How many judges are aware of this language? Does this apply in municipal courts?

2. K.S.A. 22-4504 (a) also contains procedural requirements for the court. The court shall make the affidavit part of the permanent file;

3. K.S.A. 22-4504 (b) delineates factors: In making such determination the court shall consider (1) the defendant's assets and income; (2) the amount needed for the payment of reasonable and necessary expenses incurred, or which must be incurred to support the defendant and the defendant's immediate family; (3) the anticipated cost of effective representation by employed counsel; and (4) any property which may have been transferred or conveyed by the defendant to any person without adequate monetary consideration after the commission of the alleged crime.

4. K.S.A. 22-4504 (b) also contains procedural requirements for the court. The court shall make a record of other competent evidence used, shall appoint if indigent, shall advise if determined defendant is NOT indigent and shall give defendant a reasonable opportunity to hire counsel and shall advise defendant who is found indigent of possibility the costs of legal fees may be assessed as a judgment against them if able to pay those fees based on a determination at a later time.

III. Other Authority: State Board of Indigent Services:

A. The State Board of Indigent Services was created to help enforce the statutory requirements by creating administrative regulations designed to make sure the statute can be carried out.

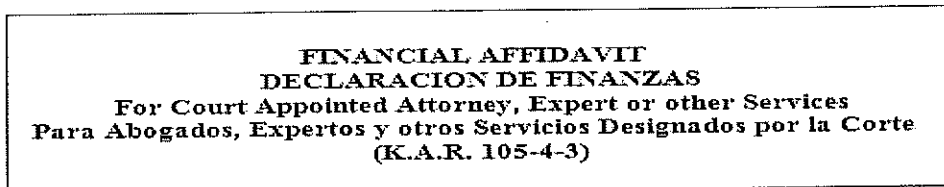
B. K.S.A. 22-4504(f) The state board of indigents' defense services shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, relating to the income, assets and anticipated costs of representation for the purpose of determining whether a defendant is financially able to employ counsel and the ability of a defendant to contribute to the cost of the defendant's legal defense services.

C. K.S.A. 77-415: ... (7) "State agency" means any officer, department, bureau, division, board, authority, agency, commission or institution of this state, except the judicial and legislative branches, which is authorized by law to promulgate rules and regulations concerning the administration, enforcement or interpretation of any law of this state.

D. See State Board of Indigents' Defense Services www.sbids.org/forms.html for all regulations.



IV. The Most Common Inquiry Method: the Financial Affidavit:



A. Financial Affidavit Form is available with these materials on KMJA website, and at www.sbids.org/forms.html (English and Spanish versions)

B. Content of form addressed in K.A.R. 105-4-3. Affidavit of indigency. A standard format for an affidavit of indigency shall include the following information: (a) The defendant's liquid assets and household income; (b) the defendant's household expenses; (c) any extraordinary financial obligations of the defendant; (d) the size of the defendant's household; and (e) any transfer of property by the defendant after the date of the alleged commission of the offense. If the information provided by the defendant on the affidavit is unclear, incomplete, contradictory, or questionable, further inquiry may be conducted by the board, the court, the county or district attorney, or other officer assigned by the court. The affidavit of indigency forms shall be published and distributed annually to the judicial administrator and to the administrative judge

of each district. (Authorized by K.S.A. 22-4522; implementing K.S.A. 22- 4504; effective May 1, 1984; amended May 1, 1985; amended, T-105-7-22-11, July 22, 2011; amended Nov. 14, 2011.)

C. Page 1 of Financial Affidavit:

Household income is defined as your income and the income of all persons who live with you that are related to you by birth or by marriage.

1. Are you Self-Employed Employed Unemployed
 If self-employed, what line of work? _____
 If employed, who do you work for? _____
 If unemployed, for how long? _____
 Are you receiving unemployment benefits? Amount per week \$ _____ If not, state reason _____

2. List the places you have worked in the last six months:
 1. Name _____ Address _____
 2. Name _____ Address _____

3. If employed, what is your monthly average gross pay? \$ _____

4. Is your spouse (include common law) Self-Employed Employed Unemployed
 If self-employed, what line of work? _____
 If employed, who does he/she work for? _____
 If employed, what is his/her average monthly gross pay? _____
 If unemployed, for how long? _____
 Is he/she receiving unemployment benefits? Amount \$ _____ If not, state reason _____

5. Does anyone else live with you, other than your dependants? Yes _____ No _____
 If yes, list their name, relationship to you, and their income:

	Name	Relationship	Gross Monthly Income
1			
2			
3			

- i. **Household Income**-most important question on page 1?!
- ii. **Additional explanations in K.A.R. 105-4-2:** Definition of terms. Terms used to determine eligibility for indigents' defense services shall have the following meanings:
 - (a) **Household income.** The defendant's household income shall be defined as the defendant's income and the income of all other persons related by birth, marriage, or adoption who reside with the defendant. Income shall include the total cash receipts before taxes from all resources, including money, wages, and the net receipts from nonfarm or farm self-employment. Income shall include regular payments from a governmental income maintenance program, alimony, child support, public or private pensions, annuities, and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts.

iii. **Logistical Considerations:**

1. Q: Needs-based, means-tested public assistance such as (Temp Ass for Needy Families (TANF), Supp Security Income, Soc Sec Disability Ins (SSDI), veterans disability benefits are NOT subject to attachment, garnishment execution levy or other legal process- so are they considered or excluded? May need to differential between needs- based and regular governmental income.

See Benchcard for Judges in materials.

2. Can you require others in the household to provide financial information?
How?

C. Page 2 (top half) of Financial Affidavit:

6. Do you own a car, truck, or motorcycle? Yes No If yes,

	Year	Make	Model	Value	Amount Owning
1					
2					

Vehicles worth more than \$20,000 are considered liquid asset.

7. Do you receive, or have you received in the past six months, income from rental property, public assistance, support, alimony, maintenance, or other sources, including from a business? Yes No
If yes, give source and monthly income: _____

8. Do you have money or cash in savings, checking accounts or other funds? Yes No
If yes, list amount of money available to you _____

9. Do you own a home, land, or other property? Yes No If yes, give value(s) _____

10. Have you transferred any property since the date of the alleged crime? Yes No
If yes, explain _____

i. **More definitions to help:** K.A.R.105-4-2 (b) Liquid assets. The defendant's liquid assets shall be defined as cash in hand, stocks and bonds, accounts at financial institutions, real property or homestead having a net value greater than \$50,000, a car, and any other property that can be readily converted to cash, with the following exceptions: (1) The defendant's clothing, household furnishings, and any personal property that is exempt from attachment or levy of execution by K.S.A. 60-2304, and amendments thereto; and (2) any other property, except a homestead having a net value greater than \$50,000, that is exempt from attachment or levy of execution by K.S.A. 60-2301 et seq., and amendments thereto. The net value of the homestead shall be the fair market value less the mortgage, other encumbrances, and the reasonable cost of sale. The net value of

any property transferred after the date of the alleged commission of the offense shall be included in the determination of the defendant's liquid assets.

ii. **K.A.R. 105-4-2 (c):** Transfer of property. (1) If the defendant has transferred property after the alleged commission of the offense, the court shall determine the reason for the transfer of property and whether adequate monetary consideration was received. If adequate monetary consideration was not received, the court shall presume that the transfer was made for the purpose of establishing eligibility unless the defendant furnishes clear and convincing evidence that the transfer was made exclusively for another purpose. (2) If a transfer was made either for the purpose of establishing eligibility or without adequate monetary consideration and the property is reconveyed to the defendant or an adjustment is made by which the defendant receives full value, the defendant shall, if otherwise qualified, be eligible to receive legal representation at state expense. (Authorized by K.S.A. 22-4504 and 22-4522; implementing K.S.A. 22-4504; effective May 1, 1984; amended Nov. 1, 1996; amended, T-105- 7-22-11, July 22, 2011; amended Nov. 14, 2011.)

D. Page 2 (bottom half) of Financial Affidavit:

11. Can you afford to pay anything toward the costs of your defense at this time? Yes No
 If yes, how much _____
12. Do you currently have any other court cases pending in the District in which you already have counsel appointed?
 Yes No
 If yes, give attorney's name _____

STATUS:

(Check One)

- Single
 Married(include common law)
 Widowed
 Separated/ Divorced

Dependants:

Total Number of _____
 List names, ages, and relationship to you

Monthly Bills:

Rent/House Payment _____
 Food/Clothing _____
 Utilities _____
 Alimony/Maintenance _____
 Child Support _____
 Instalment Payments _____
 Other Payments _____
Total Payments _____

I certify under the penalty of perjury that the foregoing is true and correct. By signing below, I authorize the STATE OF KANSAS to verify my past and present employment earnings, records, bank accounts, stock holdings, and any other asset balances that are needed to process this affidavit with the district court. I further authorize the STATE OF KANSAS to order a consumer credit report and verify other credit information, including past and present mortgage and landlord references. Executed this _____ day of _____, 20____.

 Signature of Applicant

See page three for Judge's use

- i. **Questions?** Have you ever obtained any documents to verify earnings, records, bank accounts, stock holdings or other assets and stated in the certification above defendant's signature? Specific to District Court?
- ii. Note: Child support payments are requested under monthly bills. Child support received is included in household income definition but may need to verify if received and if included.
- iii. Expenses are listed as a way to consider special circumstances but not otherwise included in the factors of 22-4504(b)

E. Page 3 of Financial Affidavit: Judge's Use

FOR JUDGE'S USE ONLY

DETERMINATION OF ELIGIBILITY – K.A.R. 105-4-1(b) and (c): "An eligible indigent defendant shall mean a person whose combined household income and liquid assets equal less than the most current federal poverty guidelines, as published by the U.S. Department of Health and Human Services, for the defendant's family unit. The court may also consider any special circumstances affecting the defendant's eligibility for legal representation at state expense."

TO BE COLLECTED PURSUANT TO K.S.A. 22-4529:

APPLICATION FEE OF \$100 effective 7/1/04

DETERMINATION OF ELIGIBILITY FOR APPOINTED COUNSEL

APPLICABLE POVERTY GUIDELINE FOR DEFENDANT'S FAMILY UNIT: _____

THE COURT FINDS THE FOLLOWING SPECIAL CIRCUMSTANCES PURSUANT TO K.A.R. 105-4-1(c):

- APPOINTMENT DENIED
- PARTIALLY INDIGENT, ABLE TO PAY \$ _____
- PUBLIC DEFENDER APPOINTED
- _____ ATTORNEY APPOINTED

 Judge

2016 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Size of family unit	Poverty Guideline
1.....	\$11,880
2.....	\$16,020
3.....	\$20,160
4.....	\$24,300
5.....	\$28,440
6.....	\$32,580
7.....	\$36,730
8.....	\$40,890

- i. K.A.R. 105-4-1(b) (top of page 3) An eligible indigent defendant shall mean a person whose combined household income and liquid assets equal less than the most current federal poverty guidelines, as published by the U.S. department of health and human services, for the defendant's family unit.
- ii. Special circumstances also listed pursuant to 105-4-1©
- iii. Poverty Guidelines

HHS POVERTY GUIDELINES FOR 2017

The 2017 poverty guidelines are in effect as of January 26, 2017.

See also the Federal Register notice of the 2017 poverty guidelines, published January 31, 2017

2017 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
For families/households with more than 8 persons, add \$4,180 for each additional person.	
1	\$12,060
2	\$16,240
3	\$20,420
4	\$24,600
5	\$28,780
6	\$32,960
7	\$37,140
8	\$41,320

<https://aspe.hhs.gov/poverty-guidelines>

See website for a lengthy explanation as to creation and comparison of poverty threshold and poverty guidelines.

- iv. *At what point in the year do the Poverty Guidelines change? What year is the information based on? Pursuant to website of U.S. Department of Health and Human Services, as stated:*

The poverty guidelines (unlike the poverty thresholds) are designated by the year in which they are issued. For instance, the guidelines issued in January 2016 are designated the 2016 poverty guidelines. However, the 2016 HHS poverty guidelines only reflect price changes through calendar year 2015; accordingly, they are approximately equal to the Census Bureau poverty thresholds for calendar year 2015. (The 2015 thresholds are expected to be issued in final form in September 2016; a preliminary version of the 2015 thresholds is now available from the Census Bureau.)

The poverty guidelines may be formally referenced as "the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)."

V. **To appoint or not appoint?**

- i. K.A.R.105-4-4. Finding of indigency. If the court finds a defendant who is entitled to counsel to be indigent, as defined by statute and these regulations, the court shall appoint counsel to provide legal representation. A court order authorizing legal representation at state expense shall be made on a form approved by the board. (Authorized by K.S.A. 1983 Supp. 22-4504, 22-4522; implementing K.S.A. 1983 Supp. 22-4503, 22-4504, 22-4505, 22-4506, 22-4512a; effective May 1, 1984.)
- ii. 105-4-5. Partial indigency. (a) The court shall find any defendant to be partially indigent if the defendant is able to pay some part of the cost of legal representation and if the payment or payments does not impose manifest hardship on the defendant or the defendant's household. Any defendant may be found to be partially indigent if the defendant's combined household income and liquid assets are greater than the defendant's reasonable and necessary living expenses but less than the sum of the defendant's reasonable and necessary living expenses plus the anticipated cost of private legal representation.

VI. **Application of Information! Buzz Group**

VII. Other Points:

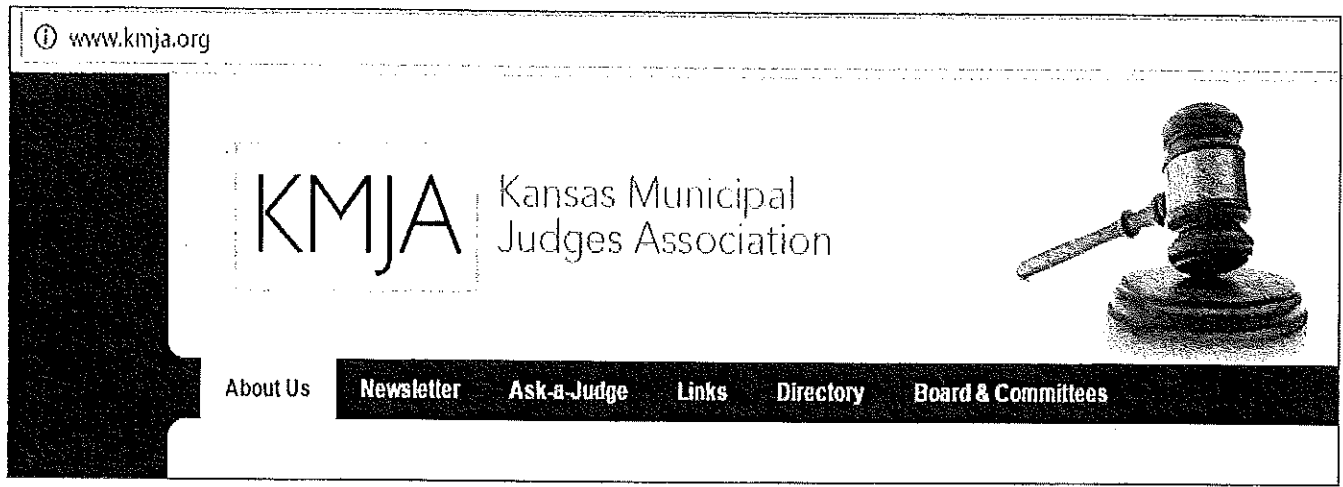
- A. Application for Court Appointment Attorney (1 page) to accompany the Financial Affidavit. This is dated, but the Financial Affidavit itself does not contain a place to mark the date. Also contains the advisements required. Language is specific to district court.

APPLICATION FOR APPOINTED DEFENSE SERVICES (to accompany Financial Affidavit)	FOR COURT USE ONLY
_____ County District Court STATE vs. _____ District Court Case No. _____	
NOTICE TO APPLICANT:	
A. <i>General Information</i>	
<ol style="list-style-type: none">1. The information on the attached affidavit is not confidential.2. The judge or the Kansas Board of Indigents' Defense Services may verify any information contained on the attached affidavit.3. False entries may lead to criminal prosecution and conviction.4. If you do not understand a specific question or need help, ask for assistance.5. The judge may place you under oath and inquire further about any information provided on this form.	
B. <i>Eligibility for Defense Services</i>	
<ol style="list-style-type: none">1. You will receive an appointed attorney if you meet the standards for indigent status. You may be required to pay an application fee of \$100.00 (KSA 22-4529)2. If the judge determines that you are able to pay a part of the costs of your defense, you will be found partially indigent and the court will order you to pay for a part of these costs.3. If, after the date of the alleged offense, you transfer any of your property for less than it is worth, the State may sue to obtain repayment of the cost of your defense.4. You must inform the court if there is a change in any of the financial information given on the affidavit.	
C. <i>Repayment to the State</i>	
<p>The court shall take into account the financial resources and the nature of the burden that payment of such sum will impose. Any person who has been required to pay such sum and who is not willfully in default may petition the sentencing court to waive payment of any remaining balance or portion thereof.</p>	
<p>I have read or have had read to me and understand the above notice. I hereby request that court-appointed counsel be provided to me and agree to repay the State for the costs of my defense if the court so orders.</p>	
_____ Date	_____ Defendant

- B.** The court is required to review indigency at any point by K.S.A. 22-4504.
1. If an attorney is later requested after initial denial could have defendant update answers on Financial Affidavit in different color pen (sign and date in new color) so you can see exactly what has changed - document accordingly.
- C.** Using separate forms for non-English speaking defendants adds time if they have questions because you may need to review the English version to be able to help them. Solution: use form with both English and Spanish for each question so you can help answer questions as they are completing....and you can read the question when you are reviewing. prepared by Judge Jason Maxwell
- D.** Order to Appoint: Include all contact information for both attorney & Defendant (often a defendant's contact information has changed since the citation and/or complaint.). Include the physical address of attorney, NOT just PO box. Include Defendant's email if available. Always include a toll free number for appointed counsel if available.
- E.** Even if you don't update your form make sure you've update the poverty guidelines.

What are you doing? Please share your tips with us!!

Visit the website for the link to the manual for forms and more:



half way down the page you will find:

- *Kansas Municipal Court Judge Manual link: [Kansas Judicial Council Publications](#) (Please contact Denise Kihwein, Office of Judicial Administration for access information.)*

You can contact me at:

Amie Bauer
Gusenius Law Office, PA
Moundridge & Canton Municipal Judge

(T)785-227-3632 (F) 785-227-4341

Amiebauer52@gmail.com

FINANCIAL AFFIDAVIT
DECLARACION DE FINANZAS
For Court Appointed Attorney, Expert or other Services
Para Abogados, Expertos y otros Servicios Designados por la Corte
(K.A.R. 105-4-3)

Municipal Court Case No./Juzgado Municipal Caso No. _____

Name/Nombre _____ Age/Edad _____ Birth Year/Año de Nacimiento _____
Address/Dirección _____ City/Ciudad _____
State/Estado _____ Zip Code/Código Postal _____ Phone/Teléfono _____ Spouse _____
(If married – including common-law) Conyugue (Si esta casado-Incluyendo union libre _____)

Household income is defined as your income and the income of all persons who live with you that are related to you by birth or by marriage.

Los ingresos de la casa son definidos como sus ingresos y los ingresos de todas las personas que viven con usted que son familia de usted ya sea por nacimiento o por matrimonio.

1. Are you/Esta o es Usted Self-Employed/Empleado(a) por si mismo(a) Employed/Empleado(a) Unemployed/Desempleado (a)

If self-employed, what line of work?/Si esta empleado(a) por si mismo, que linea de Trabajo? _____

If employed, who do you work for?/Empleado(a), para quien trabaja? _____

If unemployed, for how long?/Desempleado, por cuanto tiempo? _____

Are you receiving unemployment benefits?/Recibe beneficios de desempleo? Amount/Cantidad \$ _____

If not, state reason/Si no, porque razon _____

2. List the places you have worked in the last six months:/Indique los lugares en donde trabajo los ultimos 6 meses:

1. Name/Nombre _____ Address/ Dirección _____

2. Name/ Nombre _____ Address/ Dirección _____

3. If employed, what is your average monthly gross pay?/Si esta empleado(a), cual es el promedio mensual de su sueldo bruto? _____

4. Is your spouse (including common law)/Su conyugue (incluyendo union libre) Self-Employed/Esta Empleado(a) por si mismo (a) Employed/Empleado(a) Unemployed/Desempleado(a)

If self-employed, what line of work?/Si esta empleado(a) por si mismo(a), que linea de trabajo _____

If employed, who does he/she work for?/Si esta empleado(a) para quien trabaja? _____

If employed, give an average monthly gross pay/Si esta empleado(a) de su promedio mensual dé su sueldo bruto? _____

If unemployed, for how long?/Si esta desempleado(a), por cuanto tiempo _____

Is he/she receiving unemployment benefits?/Si recibe beneficios de desempleo? Amount/Cantidad \$ _____

If, not, state reason/Si, no, porque razon? _____

5. Does anyone else live with you, other than your dependants? / Alguien mas vive con usted aparte de sus dependientes?
Yes/Si _____ No _____

	Name/Nombre	Relationship/Parentesco	Gross Monthly Income/ Ingreso Bruto Mensual
1			
2			
3			

If yes, list their name, relationship to you and their income:/ Si si, ponga su nombre y parentesco y sus ingresos:

	Year/Año	Make/Marca	Model/Modelo	Value/Valor	Amount Owing/ Cuanto Debe
1					
2					

6. Do you own a car, truck, or motorcycle?/ Es usted propietario(a) de un carro, troca, o motocicleta
 Yes/Si No/No

If yes,/ Si, si

Vehicles worth more than \$20,000 are considered a liquid asset/Los vehiculos valorados en más de \$20,000 serán considerados bienes o capital disponible.

7. Do you receive, or have you received in the past six months, income from rental property, public assistance, support, alimony, maintenance, or other sources, including from a business? Usted recibe, o ha recibido en los ultimos seis meses, ingresos de propiedades de renta, asistencia publica, pension de mantenimiento, u otros recursos, incluyendo negocios?
 Yes/Si No

If yes, give source and monthly income: Si asi fuese, indique el recurso y el ingreso mensual? _____

8. Do you have money or cash in savings, checking accounts or other funds? Tiene usted dinero o efectivo en ahorros, cuenta de cheques u otros fondos? Yes/Si No

If yes, list amount of money available to you/ Si lo tiene, indique la cantidad de dinero que tiene disponible? _____

9. Do you own a home, land, or other property?/Es usted propietario de una casa, terreno o alguna otra propiedad
 Yes/Si No

If yes, give value(s)/Si asi es, de el valor(es) _____

10. Have you transferred any property since the date of the alleged crime?

¿Ha traspasado alguna propiedad desde la fecha del crimen pretendido? Yes/Si No

If yes explain/Si sí explique _____

11. Can you afford to pay anything toward the costs of your defense at this time? En este momento puede usted pagar algo hacia el costo de su defense Yes/Si No

If yes, how much/Si, asi es, cuanto? _____

12. Do you currently have any other court cases pending in which you already have counsel appointed? Actualments tiene usted otros casos judiciales pendientes on los que ya tenga un abogado asignado? Yes/Si No
 If yes, give attorney's name/ Si asi es, cual es el nombre del abogado(a) _____

STATUS:/ESTATUS

(Check one/Marque uno)

- Single:Soltero(a)
- Married:Casado(a)
- Widowed:Viudo(a)
- Separated/Divorced
Separados(a)/Divorciado(a)

Dependants/Dependientes:
 Total Number of/Numero total _____
 List name, ages, and relationship to you/
 Nombres, edades, y parentesco

Monthly Bills/Gastos Mensuales:
 Rent/House Payment
 Renta/Pago de casa _____
 Food/Clothing:Comida/Ropa _____
 Utilities:Utilidades _____
 Alimony/Maintenance _____
 Pension Alimienticia/Mantenimiento _____
 Child Support/
 Sosten Economico Infantil _____
 Installment Payments:Pagos a plazo _____
 Other Payments:Otros Pagos _____
 Total Payments:Total de Pagos _____

I certify under the penalty of perjury that the foregoing is true and correct. By signing below, I authorize the CITY OF LIBERAL, KANSAS to verify my past and present employment earnings, records, bank accounts, stock holdings, and any other asset balances that are needed to process this affidavit with the municipal court. I further authorize the CITY OF LIBERAL, KANSAS to order a consumer credit report and verify other credit information, including past and present mortgage and landlord references.

Cerifico bajo pena de perjurio que la informacion dada es verdadera y correcta. Al firmar abajo, Yo autorizo a la CIUDAD DE LIBERAL, KANSAS a verificar mis ganancias de empleo pasado y presente, registros, cuantas bancarias, acciones, y algun otro saldo que sea necesario para el proceso de esta declaracion con la corte municipal. Ademas autorizo a al CIUDAD DE LIBERAL, KANSAS que pida un reporte de credito al consumidor y verifique algun otra informacion de credito, incluyendo hipotecas y referencias de propiedades pasadas y presentes:

Executed this _____ day _____ of, 20 _____.

Ejecutado este dia _____ de _____ del 20 _____.

 Signature of Applicant/Firma del Apicante

FOR JUDGE'S USE ONLY

DETERMINATION OF ELIGIBILITY—K.A.R. 105-4-1(b) and (c): "An eligible indigent defendant shall mean a person whose combined household income and liquid assets equal less than the most current federal poverty guidelines, as published by the U.S. Department of Health and Human Services, for the defendant's family unit. The court may also consider any special circumstances affecting the defendant's eligibility for legal representation at city expense."

DETERMINATION OF ELIGIBILITY FOR APPOINTED COUNSEL

APPLICABLE POVERTY GUIDELINE FOR DEFENDANT'S FAMILY UNIT:

THE COURT FINDS THE FOLLOWING SPECIAL CIRCUMSTANCES PURSUANT TO K.A.R. 105-4-1(c):

- APPOINTMENT DENIED
- PARTIALLY INDIGENT, ABLE TO PAY \$ _____
- _____ ATTORNEY APPOINTED

Judge

2016 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

.....

Poverty Size of family unit Guideline

1.....	\$11,880
2.....	\$16,020
3.....	\$20,160
4.....	\$24,300
5.....	\$28,440
6.....	\$32,580
7.....	\$36,730
8.....	\$40,890

.....

For family units with more than 8 members, add \$4,160 for each additional person.

FINANCIAL AFFIDAVIT

For Court Appointed Attorney, Expert or other Services (K.A.R. 105-4-3)

County _____

District Court Case No. _____

Name _____ Age _____ Birth Year _____

Address _____ City _____ State _____ Zip Code _____ Phone _____

Spouse (If married – including common-law) _____

Household income is defined as your income and the income of all persons who live with you that are related to you by birth or by marriage.

1. Are you Self-Employed Employed Unemployed
 If self-employed, what line of work? _____
 If employed, who do you work for? _____
 If unemployed, for how long? _____
 Are you receiving unemployment benefits? Amount per week \$ _____ If not, state reason _____

2. List the places you have worked in the last six months:

1.	Name _____	Address _____
2.	Name _____	Address _____

3. If employed, what is your monthly average gross pay? \$ _____

4. Is your spouse (include common law) Self-Employed Employed Unemployed
 If self-employed, what line of work? _____
 If employed, who does he/she work for? _____
 If employed, what is his/her average monthly gross pay? _____
 If unemployed, for how long? _____
 Is he/she receiving unemployment benefits? Amount \$ _____ If not, state reason _____

5. Does anyone else live with you, other than your dependants? Yes _____ No _____

If yes, list their name, relationship to you, and their income:

	Name	Relationship	Gross Monthly Income
1			
2			
3			

6. Do you own a car, truck, or motorcycle? Yes No If yes,

	Year	Make	Model	Value	Amount Owing
1					
2					

Vehicles worth more than \$20,000 are considered liquid asset.

7. Do you receive, or have you received in the past six months, income from rental property, public assistance, support, alimony, maintenance, or other sources, including from a business? Yes No

If yes, give source and monthly income: _____

8. Do you have money or cash in savings, checking accounts or other funds? Yes No

If yes, list amount of money available to you _____

9. Do you own a home, land, or other property? Yes No If yes, give value(s) _____

10. Have you transferred any property since the date of the alleged crime? Yes No

If yes, explain _____

11. Can you afford to pay anything toward the costs of your defense at this time? Yes No

If yes, how much _____

12. Do you currently have any other court cases pending in the District in which you already have counsel appointed?

Yes No

If yes, give attorney's name _____

STATUS:

(Check One)

Single

Married(include common law)

Widowed

Separated/ Divorced

Dependants:

Total Number of _____

List names, ages, and relationship to you

Monthly Bills:

Rent/House Payment _____

Food/Clothing _____

Utilities _____

Alimony/Maintenance _____

Child Support _____

Installment Payments _____

Other Payments _____

Total Payments _____

I certify under the penalty of perjury that the foregoing is true and correct. By signing below, I authorize the STATE OF KANSAS to verify my past and present employment earnings, records, bank accounts, stock holdings, and any other asset balances that are needed to process this affidavit with the district court. I further authorize the STATE OF KANSAS to order a consumer credit report and verify other credit information, including past and present mortgage and landlord references. Executed this _____ day of _____, 20____.

 Signature of Applicant

See page three for Judge's use

FOR JUDGE'S USE ONLY

DETERMINATION OF ELIGIBILITY – K.A.R. 105-4-1(b) and (c): "An eligible indigent defendant shall mean a person whose combined household income and liquid assets equal less than the most current federal poverty guidelines, as published by the U.S. Department of Health and Human Services, for the defendant's family unit. The court may also consider any special circumstances affecting the defendant's eligibility for legal representation at state expense."

TO BE COLLECTED PURSUANT TO K.S.A. 22-4529:

APPLICATION FEE OF \$100 effective 7/1/04

DETERMINATION OF ELIGIBILITY FOR APPOINTED COUNSEL

APPLICABLE POVERTY GUIDELINE FOR DEFENDANT'S FAMILY UNIT: _____

THE COURT FINDS THE FOLLOWING SPECIAL CIRCUMSTANCES PURSUANT TO K.A.R. 105-4-1(c):

- APPOINTMENT DENIED
- PARTIALLY INDIGENT, ABLE TO PAY \$ _____
- PUBLIC DEFENDER APPOINTED
- _____ ATTORNEY APPOINTED

Judge

2016 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Size of family unit	Poverty Guideline
1.....	\$11,880
2.....	\$16,020
3.....	\$20,160
4.....	\$24,300
5.....	\$28,440
6.....	\$32,580
7.....	\$36,730
8.....	\$40,890

For family units with more than 8 members, add \$4,160 for each additional person.

