

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED
JAN 27 1999
NOEL K. DESSAINT
CLERK SUPREME COURT
BY *[Signature]*

In The Matter Of:)
)
APPROVAL OF "DEFENDANT'S)
FINANCIAL STATEMENT; REQUEST)
FOR COURT-APPOINTED COUNSEL;)
AND ORDER" FORM FOR USE IN)
PHOENIX MUNICIPAL COURT)
_____)

Administrative Order
No. 99- 7

Pursuant to Rule 6.4(b) of the Rules of Criminal Procedure, a defendant desiring to proceed as an indigent is required to complete under oath a questionnaire concerning their financial resources, "on a form approved by the Supreme Court."

On September 27, 1985, by Administrative Order No. 85-16, the Court approved a "Financial Affidavit" form for use in matters concerning claims of indigence.

On December 15, 1998, Gary M. Kula, Executive Director of the City of Phoenix Public Defender Contract Administrator's Office, submitted the attached "Defendant's Financial Statement; Request for Court-Appointed Counsel; and Order" form revising the Financial Affidavit adopted by the Court in 1985. This form would update the 1985 form to more comprehensively collect the information needed to determine an individual's indigency status as required by Rule 6.4 and Form V, Rules of Criminal Procedure.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached Defendant's Financial Statement; Request for Court-Appointed Counsel; and Order" form is approved for immediate use by the City of Phoenix Public Defender Contract Administrator's Office and the Phoenix Municipal Court.

Dated this 27th day of January, 1999.

THOMAS A. ZLAKET
Chief Justice

PHOENIX MUNICIPAL COURT - MARICOPA COUNTY, ARIZONA

STATE _____
 v. _____
 DEFENDANT

Case No. _____

 Charge No. _____

**DEFENDANT'S
 FINANCIAL
 STATEMENT;
 REQUEST FOR
 COURT-APPOINTED
 COUNSEL; AND ORDER**

charges _____ marital status _____ age _____ SSN # _____
 family size (those you support) _____ telephone # _____ pager # _____
 address _____ city _____ zip _____
 Is your spouse/partner listed as the victim in this case? ___ yes ___ no Do you reside in your parents' home? ___ yes ___ no

EMPLOYMENT

you: full-time ___ part-time ___ unemployed ___ student ___ retired ___
 your spouse/partner: full-time ___ part-time ___ unemployed ___ student ___ retired ___
 your employer _____ city _____
 your spouse/partner's employer _____ city _____
 government benefits or pension funds received (household) _____

INCOME

	You	Spouse/partner	Totals
hourly wage	\$ _____ hours/week _____	\$ _____ hours/week _____	X 4 = \$ _____ /mo
salary (monthly)	\$ _____	\$ _____	\$ _____ /mo
govt. assistance	\$ _____	\$ _____	\$ _____ /mo
pension/other	\$ _____	\$ _____	\$ _____ /mo

ASSETS

bank/credit union balances \$ _____ (checking) \$ _____ (savings) **monthly income** \$ _____
 other assets (stocks/bonds, investments) \$ _____ type _____ **available assets** \$ _____
 Vehicle #1 make/model/year _____ balance owed \$ _____
 Vehicle #2 make/model/year _____ balance owed \$ _____
monthly vehicle payment(s) \$ _____
 Residence: ___ own...value \$ _____ mortgage balance \$ _____
 ___ rent..... **monthly mortgage or rent** \$ _____

MONTHLY EXPENSES

loans \$ _____ utilities \$ _____
 child support \$ _____ credit cards \$ _____ insurance \$ _____
 child care \$ _____ medical/legal bills \$ _____ other debts \$ _____ **monthly expenses** \$ _____

Under penalties of perjury, I declare that the information and answers in this application are truthful, accurate and complete to the best of my knowledge, information and belief.

(signature) _____ (date) _____

ORDER

- () Request for a court-appointed attorney is granted. CAA Eligibility Office to complete a financial review and make recommendations as to continued eligibility and possible contribution amounts.
- () Request for a court-appointed attorney is denied.

Judge _____ Courtroom _____ Date _____

CITY OF PHOENIX
CAA Eligibility Office Worksheet

Name _____ Case No. _____ Charge No. _____

Family size _____ Total Monthly income \$ _____
Total annual income \$ _____ Monthly expenses \$ _____
Available assets \$ _____

Status (check and circle) Classification
 in-custody, homeless, Rule 11, juvenile Eligible, N/A contribution
 govt. benefits only, full-time student Eligible, see Income Ranges

ANNUAL HOUSEHOLD INCOME GUIDELINES

Family size	Below Minimum	minimum	discretionary	maximum
<input type="checkbox"/> 1	(N/A)	\$ 8,350	\$16,700	\$29,000
<input type="checkbox"/> 2	(N/A)	\$11,250	\$22,500	\$37,000
<input type="checkbox"/> 3	(N/A)	\$14,150	\$28,300	\$45,000
<input type="checkbox"/> 4	(N/A)	\$17,050	\$34,100	\$53,000
<input type="checkbox"/> 5	(N/A)	\$19,950	\$39,900	\$61,000
<input type="checkbox"/> 6	(N/A)	\$22,850	\$45,700	\$69,000

ADDITIONAL CONTRIBUTION FACTORS (check and explain those that apply)

available assets _____
 vehicle value _____
 income versus expenses \$ _____ discretionary/month _____
 residing at parents' home _____

The spouse/partner is the victim in this case ____ yes ____ no

RECOMMENDED CONTRIBUTION

(based on family size, status, income, expenses, and additional contribution factors)

N/A Minimum Moderate Available assets/income
\$0 \$20 \$ _____ (\$21-\$300) \$ _____ (\$301-\$750 max)

A motion to vacate appointment of counsel to be filed based on:

- a review of the defendant's finances
- insufficient documentation as to finances
- other: _____

Evaluator _____ Date _____

*based on 1X and 2X federal poverty guidelines for 2000

PHOENIX MUNICIPAL COURT - MARICOPA COUNTY, ARIZONA

STATE _____
 v. _____

 DEFENDANT

Case No. _____

 Charge No. _____

RECOMMENDATION
 AND ORDER
 RE: REQUEST FOR
 COURT-APPOINTED
 COUNSEL

Address _____ Telephone # _____ SSN # _____

RECOMMENDATION

The Eligibility Office makes the following recommendation based upon a review of the defendant's financial status and documentation:

() Assess a \$ _____ contribution for legal services provided by a Court-Appointed Attorney

Court-Appointed Attorney _____

- () The Order granting Court-Appointed Counsel be vacated for the reason that:
 - () the Defendant has adequate resources to obtain the services of private counsel
 - () the Defendant did not provide the Eligibility Office with sufficient financial documentation

Evaluator _____ Date _____

ORDER

After consideration of the above-listed recommendations and a review of the record,
IT IS HEREBY ORDERED:

- () The above-listed attorney is appointed to represent the defendant for all future court proceedings through the filing of a notice of appeal, if required.
- () The defendant is to contribute \$ _____ for the legal services of a Court-Appointed Attorney. Payment to be made at the conclusion of the case.
- () The Motion to Vacate the Order of Appointment of Counsel is granted. The defendant is advised to seek the services of a private attorney. The request for appointment of counsel may be renewed if financial circumstances change.
- () The Motion to Vacate the Order of Appointment of Counsel is denied.
- () The defendant is to report immediately and provide all necessary financial information to the Eligibility Investigator's Office.

Judge _____ Courtroom _____ Date _____