

**IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, OHIO
CRIMINAL DIVISION**

	:	Case No. _____
Plaintiff	:	
vs.	:	APPLICATION FOR ASSIGNED COUNSEL [Crim.R. 44] [CM 13]
	:	
Defendant	:	

The undersigned Defendant says that he/she is unable to obtain counsel and hereby makes application for assigned counsel based upon the information contained in the attached Financial Disclosure / Affidavit of Indigency form promulgated by the Office of the Ohio Public Defender (OPD) and approved by the Ohio Public Defender Commission.

The undersigned Defendant voluntarily provides the following personal information:

1. **SEX:** ☐ Male ☐ Female
2. **ETHNIC:** W ☐ (White, Not Hispanic) B ☐ (Black, Not Hispanic) H ☐ (Hispanic)
 N ☐ (Native American) A ☐ (Asian) O ☐ (Other)
3. List friends or relatives who have resources adequate to retain counsel from whom you can borrow funds sufficient to retain counsel or who will otherwise volunteer to promptly obtain counsel for you.

NAME	ADDRESS	RELATIONSHIP
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4. PAST REPRESENTATION

List attorneys who have previously represented you in other matters or proceedings.

ATTORNEY	MATTER OR PROCEEDING
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CERTIFICATION: To the best of my knowledge, the answers to the above questions are true and accurate.

Signature: _____ Date: _____

*** **Deliver this completed application to the** ***
Clerk of Court's office along with the \$25.00 filing fee.

Affidavit of Indigency Attached

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 1)	DOB	Relationship	Name 3)	DOB	Relationship
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	\$	\$			\$
Employer's Name: _____ Phone Number: _____ Employer's Address: _____					TOTAL INCOME \$
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.					

VIII. \$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 Types 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.