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> John Dew Executive Director

Joe Boyd General Counsel

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> Phone: (850) 386-2223 Fax: (850) 386-2224 www.flccoc.org

Honorable Thomas D. Hall Clerk of Court Florida Supreme Court 500 South Duval Street Tallahassee, Florida 32399-1925

Re: Proposed Application for Determination of Civil Indigent Status (Dependency and TPR) and Determination of Criminal Indigent Status pursuant to SB 1790

Dear Mr. Hall:

In response to Senate Bill 1790, please find enclosed a proposed Application For Civil Indigent Status (for use in Dependency and Termination of Parental Rights cases) as approved by the Florida Clerks of Court Operations Corporation ("CCOC") at its June 24, 2008, meeting.

This is a completely new form created by the CCOC with great input and effort by the Florida Association of Court Clerks and others. In 2005, when CCOC was tasked with creating the Application for Civil Indigent Status there were numerous comments that were incapable of reconciliation due to the specific nature of Dependency and TPR actions. SB 1790 authorized the payment of application fees for these types of actions and therefore it was determined that, based in part on the previous unresolved issues, a new and more area specific form would be appropriate.

Also enclosed is an updated and proposed Application For Criminal Indigent Status as approved by the Florida Clerks of Court Operations Corporation ("CCOC"). The only change in the form is the increase of the application fee from \$40.00 to \$50.00 in accordance with Section 4 of SB 1790.

If CCOC can be of any further assistance, we await the Court's instruction.

John D. Dew

CCOC Executive Director

Cc: Howard Forman, CCOC Chair Joe Boyd, CCOC General Counsel

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Rev. 6/24/2008

Developed by the Florida Clerks of Court Operations Corporation

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Appendix B

Comparison of the already approved application for civil indigent status with the newly submitted application to be used in Chapter 39 cases.

- The new form includes language reflecting that the legislature has imposed an application fee of \$50 which must be paid unless the person is unable to pay. If the person cannot pay, they must be enrolled in a payment plan. This change appropriately reflects legislative intent.
- The new form does not include questions about whether the spouse of the applicant has an income. That question is included in the approved civil application
- The approved application includes the following language which is not in the proposed form: "I understand that I will be required to make payments for fees and costs to the clerk in accordance with §57.082(5), Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so." (emphasis in original)
- In section 4, "assets" a new entry for money market accounts is included in the proposed form when it is absent in the approved application.
- The new form includes the following which is not found in the approved form: "You may have \$2500 in equity in property and \$5000 equity in a car and still be indigent."
- The new form does not include child support payments among the liabilities listed in section 5 and the approved form does include such payments.
- The new form provides a blank space to be filled in by the applicant which states: "It would be a substantial hardship to pay any fees and costs in this matter because:" That question is not on the approved application.
- The approved application asks the applicant whether he or she has a private lawyer in the case and the proposed new form does not.