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John Dew  
*Executive Director*

Joe Boyd  
*General Counsel*

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July 29, 2008

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

STATE OF FLORIDA vs. \_\_\_\_\_

Defendant/Minor Child

**APPLICATION FOR CRIMINAL INDIGENT STATUS**

\_\_\_\_ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER  
OR  
\_\_\_\_ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

**Notice to Applicant:** The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have \_\_\_\_\_ dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ \_\_\_\_\_ paid ( ) weekly ( ) bi-weekly ( ) semi-monthly ( ) monthly ( ) yearly  
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)
- I have other income paid ( ) weekly ( ) bi-weekly ( ) semi-monthly ( ) monthly ( ) yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No.")

Social Security benefits.....	Yes \$ _____	No	Veterans' benefit.....	Yes \$ _____	No
Unemployment compensation.....	Yes \$ _____	No	Child support or other regular support from family members/spouse.....	Yes \$ _____	No
Union Funds.....	Yes \$ _____	No	Rental income.....	Yes \$ _____	No
Workers compensation.....	Yes \$ _____	No	Dividends or interest.....	Yes \$ _____	No
Retirement/pensions.....	Yes \$ _____	No	Other kinds of income not on the list.....	Yes \$ _____	No
Trusts or gifts.....	Yes \$ _____	No			
- I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No.")

Cash.....	Yes \$ _____	No	Savings.....	Yes \$ _____	No
Bank account(s).....	Yes \$ _____	No	Stocks/bonds.....	Yes \$ _____	No
Certificates of deposit or money market accounts.....	Yes \$ _____	No	*Equity in Real estate (excluding homestead) Yes \$ _____	No	No
*Equity in Motor vehicles/Boats/.....	Yes \$ _____	No	*include expectancy of an interest in such property		
Other tangible property					
- I have a total amount of liabilities and debts in the amount of \$ \_\_\_\_\_.
- I receive: (Circle "Yes" or "No.")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	No
Poverty-related veterans' benefits.....	Yes	No
Supplemental Security Income (SSI).....	Yes	No

7. I have been released on bail in the amount of \$ \_\_\_\_\_. Cash \_\_\_\_\_ Surety \_\_\_\_\_ Posted by: Self \_\_\_\_\_ Family \_\_\_\_\_ Other \_\_\_\_\_

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Date of Birth \_\_\_\_\_ Signature of applicant for indigent status \_\_\_\_\_

Driver's license or ID number \_\_\_\_\_ Print full legal name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone number \_\_\_\_\_

**CLERK'S DETERMINATION**

\_\_\_\_\_ Based on the information in this Application, I have determined the applicant to be ( ) Indigent ( ) Not Indigent

\_\_\_\_\_ The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the Circuit Court

\_\_\_\_\_  
Clerk/Deputy Clerk/Other authorized person

This form was completed with the assistance of \_\_\_\_\_

**APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent.** \_\_\_\_\_

IN THE CIRCUIT/COUNTY OF THE \_\_\_\_\_ JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In the Interest of \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS**  
(Dependency and Termination of Parental Rights Cases)

Notice to Applicant: You must pay an application fee of \$50.00 and if you qualify for civil indigence you must enroll in the Clerk's Office payment plan.

1. I have \_\_\_\_\_ dependents. Are you married? Yes No

2. I have income of \$ \_\_\_\_\_ paid ( ) weekly ( ) every two weeks ( ) monthly ( ) yearly ( ) other  
(Net income is your total income including salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered payments, such as child support.)

3. I have other income paid ( ) weekly ( ) every two weeks ( ) monthly ( ) yearly ( ) other

(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Second Job	Yes \$ _____ No	Trust	Yes \$ _____ No	Stocks/bonds	Yes \$ _____ No
Social Security Benefits	Yes \$ _____ No	Gifts	Yes \$ _____ No	Rental Income	Yes \$ _____ No
For you	Yes \$ _____ No	Veteran's Benefits	Yes \$ _____ No	Dividends/Income	Yes \$ _____ No
For child(ren)	Yes \$ _____ No	Workers' Compensation	Yes \$ _____ No	Other kinds of	Yes \$ _____ No
Unemployment Compensation	Yes \$ _____ No	Income from absent	Yes \$ _____ No	interest not on list	Yes \$ _____ No
Union Payments	Yes \$ _____ No	family members	Yes \$ _____ No		
Retirement/Pensions	Yes \$ _____ No				

4. I have assets. (Circle "Yes" and fill in the value of the property, otherwise circle "No")

Cash	Yes \$ _____ No	Savings account	Yes \$ _____ No
Bank Account	Yes \$ _____ No	Stocks/bonds	Yes \$ _____ No
Certificate of Deposit	Yes \$ _____ No	Money market fund	Yes \$ _____ No
Car*	Yes \$ _____ No	Homestead Real property*	Yes \$ _____ No
Boat	Yes \$ _____ No	Non-homestead real property /real estate*	Yes \$ _____ No

\* Show loans on these assets in paragraph 5. You may have \$2500 in equity in property and \$5000 equity in a car and still be indigent.

I expect to have more of these items in the near future. Yes No. If yes, that property is \_\_\_\_\_.

5. My total liabilities and debts are as follows:

Home	\$ _____	Car	\$ _____	Medical Bills	\$ _____
Credit cards	\$ _____	Loans	\$ _____	Total	\$ _____
Non-homestead real property	\$ _____				

6. It would be a substantial hardship to pay any fees or costs in this matter because:  
\_\_\_\_\_  
\_\_\_\_\_

7. Cost of medicines (monthly) \$ \_\_\_\_\_.

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 57.082, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or 775.083, F.S. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Date of Birth _____	Signature of applicant for indigent status _____
Driver's license or ID number _____	Print full legal name _____
	Address _____
	City, State, Zip _____
	Phone number _____

**CLERK'S DETERMINATION**

Based on the information in this Application, I have determined the applicant to be ( ) Indigent ( ) Not Indigent  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. Clerk of the Circuit Court by \_\_\_\_\_

This form was completed with the assistance of: \_\_\_\_\_  
Clerk/Deputy Clerk/Other authorized person.

APPLICANTS FOUND NOT TO BE INDIGENT MAY SEEK REVIEW BY A JUDGE BY ASKING FOR A HEARING TIME.  
THERE IS NO FEE FOR THIS REVIEW.

Sign here if you want the judge to review the clerk's decision \_\_\_\_\_

## 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.