

CR 94-089

STATE OF WISCONSIN
OFFICE OF THE STATE PUBLIC DEFENDER

I, Daniel M. Berkos, Chair of the State Public Defender Board and custodian of the official records, certify that the annexed rules relating to reimbursement of legal fees for juvenile representation where the parents are found to be non-indigent were duly approved and adopted by this board on March 11, 1994.

I further certify that this copy has been compared by me with the original on file in this Office and that it is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 31th day of May, 1995.

Daniel M. Berkos

DANIEL M. BERKOS
Chair, State Public Defender Board



8-1-95

PROPOSED ORDER OF THE STATE PUBLIC DEFENDER BOARD
CREATING A RULE

An order to create SPD 6.01, relating to reimbursement of legal fees for juvenile representation where the parents are found to be non-indigent.

ANALYSIS

This proposed rule sets the standard for the maximum allowable rate of reimbursement for non-indigent parents as required under s.48.275(2)(b), Wis. Stats. The rate of reimbursement is calculated by multiplying the number of hours the attorney worked on the case by the hourly rate of reimbursement paid by the SPD to private bar attorneys who are assigned to SPD eligible cases (i.e. \$50/hour for in-court work and \$40/hour for out-of-court work). However, the maximum amount of reimbursement in any case may not exceed an amount that is specified as available for counsel on the evaluation of indigency form prepared on the parents income and assets under s.977.07, Stats. (Note: indigent parents are not required to reimburse, and partially-indigent parents reimburse at a rate established under SPD 3.04.)

Statutory Authority: s. 977.02(3) and (4), Stats.

Statutory Interpretation: s. 48.275.(2)(b), Stats.

SECTION 1

SPD 6.01 is created to read:

6.01 Reimbursement by non-indigent parents: (1) The maximum amount of reimbursement by a parent who has been determined not to be indigent pursuant to s. 48.275, Stats., shall be calculated by multiplying the number of hours the attorney worked on the case by the applicable hourly rate established pursuant to 977.08(4m), Stats. The maximum amount of reimbursement in any particular case shall not exceed the amount specified as available for counsel on the indigency evaluation prepared in the case.

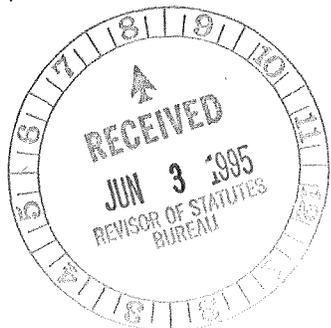
(2) A guardian for a child's estate may be required to provide reimbursement for the child's counsel, if a court determines that such payment is consistent with the guardian's fiduciary duties.

EFFECTIVE DATE

This rule shall take effect on the first day of the month commencing after the date of publication, pursuant to s. 227.22(2) (intro.), Stats.

Dated: May 13, 1994

Wisconsin State Public Defender Board



Daniel M. Berkos

Daniel M. Berkos, Chair
State Public Defender Board

Nicholas L. Chiarkas
State Public Defender

Frederick H. Miller
Deputy State Public Defender



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**THE STATE OF WISCONSIN
STATE PUBLIC DEFENDER**

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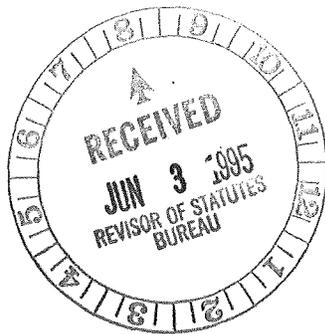
June 2, 1995

Mr. Gary Poulson
Revisor of Statutes
131 W. Wilson, Suite 800
Madison, WI 53703-3233

Dear Mr. Poulson:

Attached please find a certified copy of Clearinghouse rule 94-89. It has been promulgated by the legislature and I am filing it with you for final publication in the next Administrative Register.

Thank you.



Sincerely,

A handwritten signature in cursive script that reads "Evelyn J. Mazack".

EVELYN J. MAZACK
Legal Counsel