



Division of Public Defender Services State of Connecticut

INFORMATION FOR PUBLIC DEFENDER ASSIGNED COUNSEL IN JUVENILE AND CHILD PROTECTION MATTERS¹

ASSIGNED COUNSEL CONTRACTS

Assigned Counsel Contracts are issued for a term of one year, concurrent with the state fiscal year. Every individual being paid as an Assigned Counsel by the Division of Public Defender Services must be under contract to DPDS. Applications are issued once a year by the Director of Assigned Counsel. All contracts are reviewed and approved by the Public Defender Standing Committee on Assigned Counsel and awarded by the Chief Public Defender. New Assigned Counsel must have a W-9 form and a State of Connecticut Vendor Profile on file in order to be paid and must use the FILEMAKER electronic assignment and billing program.

CHILD PROTECTION MATTERS

New Assigned Counsel with child protection contracts must complete a three-day, pre-service training prior to being assigned a case. The training is conducted in July and early August of the contract year.

FEES

Assigned Counsel Child Protection cases are paid as follows:

- Attorney for the Child: \$500 flat rate per child;
- Attorney for the Parent: \$500 per case;
(Number of children does not change fee)
- Guardian ad Litem in Child Protection matters: \$500 per case;
- Additional billing is allowed at \$50 per hour for :
 - Client visits not at court, including travel time
 - Administrative Proceedings at DCF (ACR, Teaming, TPC)
 - Trials (OTCs, neglect petitions, and TPRs)
 - Extraordinary cases with permission of the Director of Assigned Counsel

¹ UPDATED 7/2016

Extraordinary Billing Requests Child Protection

- Assigned Counsel may request to be approved for billing at an hourly rate of \$50 per hour when a case or a specific event relating to a case requires extraordinary work in excess of the average case. Requests must be directed in writing, via email, to the Director of Assigned Counsel and must include detailed reasons why the request is being made. Assigned Counsel should attempt to break down the request into a specific number of hours required to complete the extraordinary tasks relating to a case. In limited circumstances, a case may be approved for hourly billing for its duration. Any approval is prospective and cannot be applied retroactively to work already completed on a case.

AUTHORIZATION TO INCUR EXPENSES

All requests to incur expenses must be submitted via the FILEMAKER on line billing and assignment program. The requested vendor must be enrolled in the state CORE system in order to be approved for payment. Please contact OCPD-CP for assistance if the vendor is not in the system.

Transcripts

Appellate Review

Connecticut Practice Book §79a-5 requires DPDS/OCPD to pay for expedited transcripts in matters that are being reviewed for appeal. Assigned Counsel at the trial level should order expedited transcripts for appeal review as soon as appellate counsel is ordered. An authorization must be put in to Filemaker as soon as possible so that the reporter can be paid. Please note that the transcript is for an appeal review on the Filemaker request.

Other Transcripts

Assigned Counsel must obtain prior approval to incur expense for transcripts other than those necessary for appellate review. These should be submitted to the Office of Assigned Counsel and the Director of Delinquency Defense and Child Protection using the electronic FILEMAKER system.

Publication

When an Assigned Counsel is the Petitioner in a Child Protection case and publication of notice is ordered by the court, the Assigned Counsel must notify OCPD by submitting a Prior Authorization to Incur Expenses form to the Office of Assigned Counsel and the Director of Delinquency Defense using FILEMAKER. This should include the date of the court order and the name of the judge. **The vendor for publication must be in Filemaker in order to be paid.** If the vendor is not in the system, assigned counsel can pay and seek reimbursement through Filemaker.

Out of State Travel

Expenses for Out of State Travel must be approved by the Director of Delinquency Defense. All requests must include an estimate of the travel expenses and a detailed reason why the travel is necessary. Mileage will generally not be approved as an expense but travel time can be, when appropriate. If travel time is being requested, it should be included in the request for Prior Approval. Assigned Counsel should put the request into FILEMAKER as a reimbursement by uploading the receipts and listing themselves as the vendor. Expenses will be reimbursed up to the approved amount upon receipt of a properly executed CO 17 form. Any taxes charged cannot be reimbursed, per State of Connecticut policy. Supporting receipts and invoices for the expenses must be provided.

DELINQUENCY MATTERS

FEES

Assigned Counsel Delinquency cases are paid as follows:

- Attorney for the Child:
 - Non SJO: \$350 per case/Docket Number
 - SJO: \$75 per hour
- Guardian ad Litem in Delinquency Matters: \$500 per child, not controlled by number of cases
- Extraordinary Billing as approved by the Director of Assigned Counsel: \$50 per hour

AUTHORIZATION TO INCUR EXPENSES

- All requests to incur expensed must be submitted to the Office of Assigned Counsel using the electronic FILEMAKER system.

GENERAL PROVISIONS

COVERAGE

Assigned Counsel are responsible for securing coverage if they are unable to attend a court date. Assigned Counsel must notify the court and comply with all local rules regarding appearances. In the event of an emergency that will result in long term unavailability, OCPD-Cp should be notified so arrangements can be made.

USE OF JUDICIAL MARSHAL SERVICES

Service of Petitions

Where the Assigned Counsel in a Juvenile Matter is the Petitioner, counsel should have service made using the State Marshal. The Marshal must be told that they will be paid at state rates. They may bill OCPD directly, using the proper procedure and forms. If Marshal is not listed as vendor contact OCPDCP to have added. Marshal will submit billing directly in FM. This is done through the FILEMAKER system.

Service of Subpoenas

Assigned Counsel in Juvenile/Child Protection Matters should prepare subpoenas at least 5 days in advance of the trial or hearing and provide them to the Public Defender Investigator for the Judicial District where the witness or documents are located. These investigators are located in the JD or Part A Public Defender Offices. The Public Defender Investigator will arrange to have the subpoenas served. If the local Public Defender office is unable to serve the subpoenas, the Assigned Counsel must contact the Director of Delinquency Defense and Child Protection for prior approval before using a State Marshal. Failure to obtain prior approval may result in the Assigned Counsel being responsible for paying for the marshal service.

Assigned Counsel should take care to ensure that all paperwork is properly executed before delivering it to the Investigator for service. Public Defender Investigators will not make changes or additions to any paperwork. Assigned Counsel must also take care to ensure that the addresses on the subpoena are accurate and complete, as the Investigator will make service according to the information provided on the paperwork. Assigned Counsel should, wherever possible, notify the recipient of the subpoena to expect service.

APPEALS

Child Protection

Appeals must follow the review process and can only be handled by counsel with a specific appellate contract, unless approved by the Directors of Assigned Counsel and Delinquency Defense and Child Protection.

In all cases where a client wishes to appeal a final judgment in a child protection case:

- The lawyer must have the client sign an application for waiver of costs and fees and request for appointment of counsel. This must be filed with the court, along with a motion to extend time for filing the appeal.
- An expedited transcript should be ordered. These do not need a prior authorization to incur expenses. Connecticut Practice Book Section 79a-3(b) provides that the Division of Public defender Services will pay for the transcript.
- A request for appellate review must be sent to the OCPD CP email OCPDCP@jud.ct.gov at the time the papers are filed with the court.
- Trial counsel should not move to withdraw from the underlying child protection case. Appellate counsel will not file an appearance in the underlying case. Trial counsel should remain in the case to handle issues outside the appeal.

Delinquency

In all cases where a client wishes to appeal a delinquency conviction:

- The lawyer must have the client sign an application for waiver of costs and fees and request for appointment of counsel. This must be filed with the court, along with a motion to extend time for filing the appeal.
- A request for appointment of appellate counsel and an appellate worksheet must be sent to the OCPD-CP email OCPDCP@jud.ct.gov. The appellate worksheet can be found on the OCPD Forms website at http://www.ct.gov/ocpd/lib/ocpd/Forms_PDF/pdLSU-002.pdf
- A transcript should be ordered. A Prior Authorization to Incur Expenses form must be submitted to the Director of Delinquency Defense and Child Protection before the transcript is ordered.
- Trial counsel should not move to withdraw from the underlying child protection case. Appellate counsel will not file an appearance in the underlying case. Trial counsel should remain in the case to handle issues outside the appeal.

COMPLAINTS

When OCPD receives a complaint from a client, the Assigned Counsel will be notified via email and asked to address the complaint with the client. Assigned Counsel must respond to OCPD with the results. The Director of Assigned Counsel, the Director of Delinquency Defense and Child Protection, or the Deputy Chief Public Defender will determine if further intervention is necessary.