



Office of the Chief Public Defender
State of Connecticut

**Division of Public Defender Services
State of Connecticut**

**INFORMATION FOR PUBLIC DEFENDER ASSIGNED COUNSEL IN JUVNEILE
AND CHILD PROTECTION MATTERS**

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 Defenders 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 Defenders' Standing Committee and awarded by the Chief Public Defender. The Director of Assigned Counsel may, in his or her discretion, issue a contract for an individual case if the attorney completes and Assigned Counsel application and the application is approved by the Chief Public Defender. New Assigned Counsel must have a W-9 form and State of Connecticut Vendor Profile on file in order to be paid.

Child Protection Contracts

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

CHILD PROTECTION MATTERS

FEES

Assigned Counsel Child Protection cases are paid as follows:

- Attorney/GAL for the child on CP matter: \$500 flat rate per child
- Attorney for the parent: \$500 per client (Number of children does not change fee)
- Guardian ad litem on Delinquency Matters: \$500 per client (regardless of number of open cases)

Additional billing is allowed at \$65 per hour for:

- Client visits not at court

- Administrative Proceedings at DCF (ACR, Teaming, TPC) does not include administrative hearings
- Trial preparation (10 hours per case)
- Pre-trial motions
- Trials (OTCs, Neglect and TPR trials)
- Travel to and from visits

Extraordinary Billing Requests Child Protection

- Assigned Counsel may request to be approved for billing at an hourly rate of \$65 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 the Director of Delinquency Defense and Child Protection and must include a detailed reasons why the request is being made. Assigned Counsel should attempt to breakdown the request into a specific number of hours required to complete the extraordinary tasks relating to the case. Any approval is prospective and cannot be applied retroactively to work already completed in a case.

AUTHORIZATION TO INCUR EXPENSES

All requests to incur expenses must be submitted via the OCPD Filemaker system (www.connadminac.com). Instructions on how to submit authorizations can be found out the OCPD website (Child Protection Authorization Instructions)

Transcripts

Appellate Review

Assigned Counsel are not required to obtain prior approval for transcripts in appellate review cases but an authorization for said transcripts must be submitted via Filemaker so the court reporter can bill for the transcript.

Other Transcripts

Assigned Counsel must obtain prior approval to incur expenses for transcripts other than those necessary for appellate review. These should be submitted via Filemaker.

Out of State Travel

Expenses for Out of State travel must be approved by the Director of Delinquency Defense and Child Protection. Request for such should be submitted as an Attorney Reimbursement via Filemaker after Assigned Counsel has determined the amount to be incurred during visit. Assigned Counsel will pay out of pocket for expenses incurred (hotel stay, tolls, airfare if necessary) and will submit receipts and invoice for reimbursement in Filemaker.

Publication

When Assigned Counsel is ordered by the Court to do publication for a petition they have filed, they will have to pay out of pocket for the expense. An attorney reimbursement

must be submitted in Filemaker and the attorney will be reimbursed for expense once an invoice with proof of payment is submitted.

DELINQUENCY MATTERS

FEES

Assigned Counsel Delinquency cases are paid as follows:

- o Attorney for the Child:
 - o Non SJO: \$400 per case/Docket Number
 - o SJO: \$75 per hour
- o Guardian ad Litem in Delinquency Matters: \$500 per child, not controlled by number of cases
- o Extraordinary Billing as approved by the Director of Assigned Counsel: \$65/hour

AUTHORIZATION TO INCUR EXPENSES

o All requests to incur expensed must be submitted via Filemaker and will be reviewed by the Director of Child Protection and Delinquency Defense. If the specific vendor you are looking to use is not listed in Filemaker please contact Jaime.Delarosa@pds.ct.gov to have them added.

GENERAL PROVISIONS

COVERAGE

Assigned Counsel is 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 the Director of Delinquency Defense and Child Protection and the Director of Assigned Counsel should be notified so arrangements can be made.

USE OF JUDICIAL MARSHAL SERVICES

Service of Petitions

Where the Assigned Counsel in a child protection matter is the Petitioner, counsel should have service made using the State Marshal. Inform the marshal that service is at state rates. An authorization must be made in Filemaker for the service listing the marshal as the vendor. If the specific marshal is not already listed, please contact Jaime.Delarosa@pds.ct.gov. The marshal will bill OCPD directly via 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. An authorization must be entered in Filemaker for transcripts for Court Reporter to bill against

- Once the fee waiver granting an appellate review attorney has been granted, the Appeal Review Request Form must be completed in Filemaker.

- 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 Director of Assigned Counsel. 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.

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.