

VAN BUREN COUNTY – COURT POLICY		
SUBJECT: REIMBURSEMENT FOR COURT APPOINTED ATTORNEY COSTS	SECTION: FAMILY DIVISION - JUVENILE	DATE: 8/29/2016
PREPARED BY: Lynn Bullard	NUMBER: VBC-0900	RESCINDS: N/A

Renumbered to "Policy 9.001" on 9/16/20

REFERENCES:

- MCL 712A.18(5)
- HHS Federal Poverty Guidelines
- SCAO Ability to Pay Workgroup Report April 20, 2015

BACKGROUND:

MCL 712A.18(5) states “If the court appoints an attorney to represent a juvenile, parent, guardian, or custodian, the court may require in an order entered under this section that the juvenile, parent, guardian, or custodian reimburse the court for attorney fees.”

This policy is designed to provide guidance to court staff, referees, and judges when determining reimbursement amounts to be paid by parties in family division cases for the costs for court-appointed attorneys. The circuit court is adopting this policy to provide for uniformity and to assess reimbursement based on a party’s ability to pay.

POLICY STATEMENT:

The family division incurs an average court-appointed attorney cost of \$475 per case. This average was determined by dividing the amount the court spends on court-appointed attorney costs (\$190,000 per year) by the average number of new petitions filed in a year (400).

The court should order reimbursement for court-appointed attorney fees when an individual has the ability to pay.

Court staff, referees, and judges will follow the guidelines below to determine what portion, if any, of the cost of court-appointed attorneys will be ordered to be reimbursed by parties in family division cases. Federal poverty guidelines for the current calendar year will be employed.

- A. If a juvenile, parent, guardian, or custodian whose household income is less than 150% of the federal poverty guidelines, the court will not require reimbursement towards the cost of court- appointed counsel.

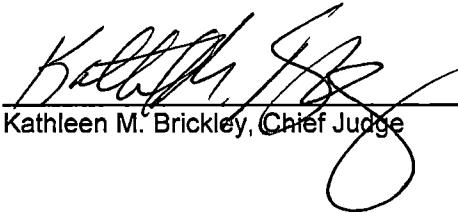
- B. If a juvenile, parent, guardian, or custodian has income that is at, or above, 150% of the federal poverty guidelines, but less than 200%, the individual will be ordered to reimburse the court for court-appointed attorney fees.
 1. In a delinquency case, the court shall require the juvenile, parent, guardian, or custodian, to pay a reimbursement amount of \$100.00.

 2. In a neglect/abuse case, the court shall require an individual parent, guardian, or custodian, to pay a reimbursement amount of \$100.00. This cost may be assessed to multiple individuals who are legally responsible for a child. Reimbursement will be determined independently for each legally responsible individual.

- C. If a juvenile, parent, guardian, or custodian has income that is at, or above, 200% of the federal poverty guidelines, but less than 250%, the individual will be ordered to reimburse the court for court-appointed attorney fees.
1. In a delinquency case, the court shall require the juvenile, parent, guardian, or custodian, to pay a reimbursement amount of \$250.00.
 2. In a neglect/abuse case, the court shall require an individual parent, guardian, or custodian, to pay a reimbursement amount of \$250.00. This cost can may be assessed to multiple individuals who are legally responsible for a child. Reimbursement will be determined independently for each legally responsible individual.
- D. If a juvenile, parent, guardian, or custodian has income that is at, or above, 250% of the federal poverty guidelines, the individual will be ordered to reimburse the court for court-appointed attorney fees.
1. In a delinquency case, the court shall require the juvenile, parent, guardian, or custodian, to pay a reimbursement amount of \$475.00.
 2. In a neglect/abuse case, the court shall require an individual parent, guardian, or custodian, to pay reimbursement of \$475.00. This cost can be assessed to multiple individuals who are legally responsible for a child. Reimbursement will be determined independently for each legally responsible individual.
- E. If the court orders reimbursement for attorney fees, the payer shall make monthly payments towards the reimbursement amount, based on their ability to pay, as determined by the Court.
- F. The Court may deviate from the above guidelines for good cause, either at the time the reimbursement is ordered, or subsequent to the initial order if there is a change in circumstances. The reasons for deviation shall be either placed on the record or included in an order.

APPROVAL:

Date: 8/29/2016


Kathleen M. Brickley, Chief Judge