

Clearinghouse Rule 96-152

STATE OF WISCONSIN

OFFICE OF THE STATE PUBLIC DEFENDER

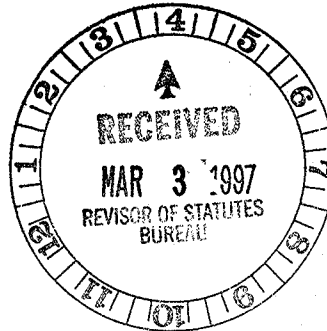
I, Daniel M. Berkos, Chair of the State Public Defender Board and custodian of the official records, certify that the annexed rule related to the reimbursement from parents of juveniles was duly approved and adopted by this board on September 20, 1996.

I certify that this copy has been compared by me with the original on file in this Office and that the same 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 3rd day of March 1997.

Daniel M. Berkos

DANIEL M. BERKOS, Chair
State Public Defender Board



96-152
5-1-97

**PROPOSED ORDER OF THE STATE PUBLIC DEFENDER
CREATING A RULE**

The Wisconsin state public defender board proposes an order to amend PD 6.05 (1)(b), relating to reimbursement from parents of juveniles.

Analysis By Agency:

Under current law and SPD practice, the definition of partially indigent applies only to parents of juveniles. Rule PD 6.05 specifies that when the court orders reimbursement by the parent of a juvenile, the parent can request the SPD to evaluate whether the parent is indigent, not indigent, or partially indigent. Rule PD 6.05 does not, however, specify the reimbursement fee for parents found to be partially indigent. Rather, s. PD 6.05 (1)(b) cross-references s. PD 3.04 (1), which defines the level of payment for partially indigent persons. The proposed amendments to s. PD 6.05 (1)(b) clarify the rule, as well as eliminate the need for a separate rule related to partial indigency.

Specifically, proposed s. PD 6.05 (1)(b) specifies the reimbursement fee for partially indigent parents by adding the language presently in s. PD 3.04 (1). Also, proposed s. PD 6.05 (1)(b) adds a cross-reference to s. PD 3.038 (1)(b), which defines the circumstances under which a person is partially indigent.

Statutory authority: s. 977.02 (4), Stats.

Statutes interpreted: ss. 977.06 and 977.07, Stats.

Section 1.

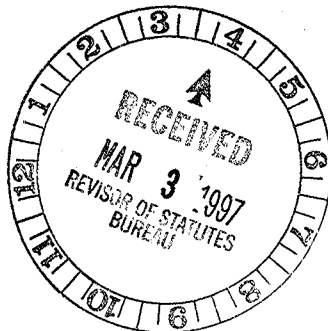
PD 6.05 (1)(b) is amended to read:

PD 6.05 (1) (b) If the parent is determined to be partially indigent pursuant to s. PD 3.038 (1)(b), the reimbursement fee shall be the amount of partial payment specified in s. PD 3.04(1) equivalent to 20% of the applicable cost of retaining counsel in the case, as set forth in s. PD 3.02 (1). If the parent is determined to be indigent, no reimbursement fee shall be assessed.

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

Dated: 3/3/97

Wisconsin State Public Defender Board



By: Daniel M. Berkos
DANIEL M. BERKOS, Chair



**WISCONSIN
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March 3, 1997

Gary Poulson
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
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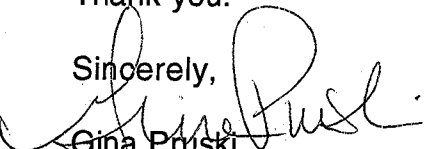
Dear Gary:

Enclosed please find certified copies of administrative rules which the State Public Defender Board has promulgated.

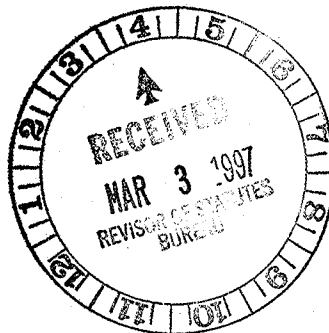
Extra copies of the rules are enclosed for printing purposes.

Thank you.

Sincerely,


Gina Pruski
Deputy Legal Counsel

Enclosures



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