Rules of
Public Defender Commission
Division 10—Office of State Public Defender
Chapter 3—Guidelines for the
Determination of Indigency

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Title 18—PUBLIC DEFENDER
COMMISSION
Division 10—Office of State
Public Defender
Chapter 3—Guidelines for the
Determination of Indigency

18 CSR 10-3.010 Guidelines for the
Determination of Indigency

PURPOSE: This rule establishes the
guidelines for the determination of
indigency and prescribes a form for that
purpose.

(1) Public Assistance, Unemployment
Compensation and Income Maintenance
Payments

(A) Unemployed defendants receiving pub-
clic assistance are eligible for defense services
provided by the Office of State Public Defender
regardless of the amount of the benefits. If the
defendant is receiving public assistance and
has a part-time job, or other assets, the weekly
amount of benefits and the additional source
of income should be added together and
compared to the maximum Qualifying Income
Scale to Determine Indigency.

(B) If a defendant is receiving disability
payments, pension benefits, unemployment
compensation or Social Security, this is
considered income and the amount of the
payment must be considered.

(2) Maximum Qualifying Income Scale.

(A) A defendant may be considered indigent
if his/her take-home pay and other sources of
income do not exceed one hundred dollars
($100) plus twenty dollars ($20) per week for
each dependent the defendant is supporting.
For example, a defendant who supports two
(2) children and one (1) unemployed spouse
would qualify if the net salary does not exceed
one hundred sixty dollars ($160).

(B) When making the financial determina-
tion, the following factors should be taken into
consideration:

1. Debts—Debts should be taken into
consideration to the extent that payments
reduce the take-home pay below the eligibility
level. Debts caused by hospital bills, taxes,
taxes, child support and alimony are allowable
only if actual payments on debts are being
made.

2. Bond—If the defendant has been
released on bail on any case in the amount
of five thousand dollars ($5000) or more, a
presumption is created that the defendant is
not indigent and the ability of the defendant
to meet the bail must be given consideration;

3. Spouse's Income—The spouse's income
should be considered if the spouse is employed
and supports the defendant. The income shall
also be considered if they share the household
expenses;

4. Parent's Income—The parent's income
should be considered if they support the
defendant and the defendant is under eighteen
(18) years of age. Defendants eighteen (18)
years or older shall be considered independent
from family income unless they are full time
students or are dependent upon their parents
or when the parents or a relative posts bond;

5. Mortgage—If the defendant owns or is
buying a home, the defendant's equity must
be determined. If defendant's equity exceeds
ten thousand dollars ($10,000), the defendant
would not qualify for a public defender; and

6. Assets—Unless the defendant is
charged with a Class A felony, cash in excess
of five hundred dollars ($500) is a presumption
of non-indigency. Bank accounts, stocks,
bonds, jewelry, equity in insurance and any
other financial assets must be considered. All
vehicles are assets and must also be
considered. If the total value of the asset(s) is more
than one thousand dollars ($1000), the
defendant is presumed not to be indigent.

(3) Discretionary Aspects of Determining
Indigency.

(A) The previously mentioned financial
criteria are to be applied in all cases and
considered with the probable expense and
burden of defending the case. When the
presumption exists that a defendant is not
indigent, the defendant may still qualify for
public defense services by paying that portion
of defense costs which s/he may be able to
pay without substantial hardship to
him/herself for his/her family;

(B) If a defendant is found not indigent and
not eligible for a public defender, s/he has the
right to appeal that decision to the court; and

(C) An individual requesting public
defender service shall complete and sign an
Application for Public Defender Services.

Auth: sections 600.017(10) and 600.086,
RSMo (1986). Original rule filed Nov. 12,