
**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 Deter-
mination of Indigency**

*PURPOSE: This rule establishes the guide-
lines for the determination of indigency and
prescribes a form for that purpose.*

(1) Public Assistance, Unemployment Com-
pensation and Income Maintenance Pay-
ments.

(A) Unemployed defendants receiving pub-
lic assistance are eligible for defense services
provided by the Office of State Public De-
fender regardless of the amount of the bene-
fits. If the defendant is receiving public assis-
tance and has a part-time job, or other assis-
ts, 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, unemployment compen-
sation 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 indi-
gent 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) unem-
ployed 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 re-
duce the take-home pay below the eligibility
level. Debts caused by hospital bills, taxes,
fines, child support and alimony are allow-
able 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 pre-
sumption 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 in-
come should be considered if the spouse is
employed and supports the defendants. The
income shall also be considered if they share
the household expenses;

4. Parent's Income—The parent's in-
come should be considered if they support
the defendant and the defendant is under
eighteen (18) years of age. Defendants eigh-
teen (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
post 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 presump-
tion of non-indigency. Bank accounts, stocks,
bonds, jewelry, equity in insurance and any
other financial assets must be considered.
All vehicle are assets and must also be con-
sidered. 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 con-
sidered 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 de-
fender service shall complete and sign an
Application for Public Defender Services.

*AUTHORITY: sections 600.017(10) and
600.086, RSMo 1986.* Original rule filed
Nov. 12, 1985, effective Feb. 13, 1986.*

**Original authority: 600.017, RSMo 1982; 600.086,
RSMo 1976, amended 1982, 1993.*