

BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 13-002
JUVENILE COURT INDIGENCY SCREENING

WHEREAS, RCW 10.101.020 requires that respondents in, among other types of proceedings, matters brought in juvenile court under RCW Title 13, who seek court appointed counsel, to be screened for indigency by the Superior Court or its designee; and

WHEREAS, in order to increase and improve the efficiency of juvenile proceedings, the Benton & Franklin Counties Superior Courts wish to designate the Benton & Franklin Counties Office of Public Defense to make such determinations of indigency and keep and maintain record thereof as authorized under RCW 10.101.020, and as set forth herein; and

WHEREAS, it is still desirable, effective, and efficient for the Superior Court to make preliminary verbal inquiry regarding respondent employment and ability to pay for counsel, during court proceedings;

NOW THEREFORE, BE IT RESOLVED, that effective immediately, indigency screening to determine the eligibility of individual adult and juvenile respondents in juvenile offender, dependency, at risk youth and truancy matters in Benton & Franklin Counties Juvenile Court shall be accomplished as follows:

1. Whenever a respondent requests court appointed counsel, the Court shall make a preliminary assessment of the respondent's ability to retain counsel by inquiring verbally of the respondent's income, basic assets, and ability to retain counsel. If, based on this information, the Court believes that the respondent is incapable of retaining private counsel, then the Court shall appoint counsel to represent the respondent. If, based on this colloquy, the Court believes that the respondent is capable of retaining private counsel, the Court may either: a) deny court appointed counsel altogether; or b) require the respondent to complete an Indigency Screening Form for further review and reference by the Court.
2. If, after the preliminary assessment, the Court elects to appoint counsel to represent the respondent, then the respondent shall be directed to complete an Indigency Screening Form and either return it to the court before leaving (if out of custody), or to return it to the court at the next court appearance (if in custody). Completed Indigency Screening Forms shall be forwarded to the Office of Public Defense for further review as provided herein.
3. The Office of Public Defense may utilize whatever system it sees fit to review the completed Indigency Screening Forms received from the Court.
4. If the Office of Public Defense determines that any particular completed Indigency Screening Form appears to indicate that the respondent in question should not have received appointed counsel, then the Office of Public Defense may inquire of the appointed attorney in question to further investigate, and/or may request that the Court re-screen the respondent for indigency at a future court appearance or other convenient time.
5. In cases where a respondent, who has been able to afford, whether utilizing personal funds

or funds provided by another, the services of an attorney but not the necessary services of an investigator, expert, or other professional person, to assist in his/her matter, then such a respondent shall make an application directly to the Office of Public Defense for funding for such an investigator, expert or other professional person, subject to judicial review at the request of the respondent, if such an application is denied.

5. The designation set forth herein shall remain in effect until modified or terminated by further resolution of the Court.



HONORABLE BRUCE A. SPANNER
PRESIDING JUDGE

Dated: 11/21/13



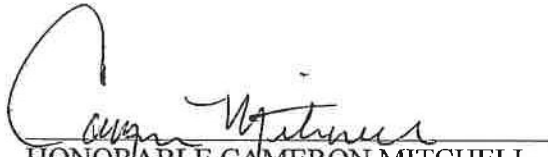
HONORABLE ROBERT G. SWISHER
ASSISTANT PRESIDING JUDGE

Dated: 11/21/13



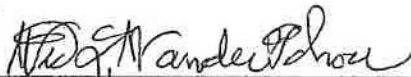
HONORABLE CARRIE L. RUNGE

Dated: 11/21/13



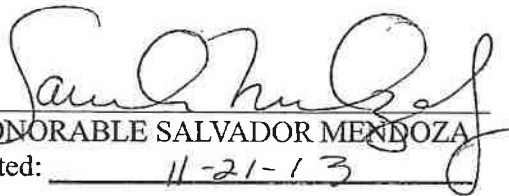
HONORABLE CAMERON MITCHELL

Dated: 11/21/13



HONORABLE VIC VANDERSCHOOR

Dated: 11/21/13



HONORABLE SALVADOR MENDOZA

Dated: 11-21-13