

***BE IT RESOLVED THAT*** THE PUBLIC DEFENDER ASSOCIATION OF PENNSYLVANIA AT ITS APRIL 23, 2015 ANNUAL MEMBERSHIP MEETING HAS ADOPTED THE FOLLOWING AS ITS:

**Eligibility Standards for Public Defender Representation in Pennsylvania**

1. A defendant whose gross income does not exceed 150% of the poverty guidelines (as defined by the Department of Health and Human Services) shall be presumptively eligible for representation.
2. The following factors may be considered to determine eligibility:
  - a. The ability of a defendant to post bond shall not be used as a basis to deny Public Defender representation. A.B.A. Standard 5-7.1.
  - b. Any defendant who is a current recipient of state or federally administered public assistance shall automatically be eligible for representation.
  - c. Parental income shall not be attributable to the juvenile.
  - d. The ownership of a car or home shall not exclude a defendant from representation. (NLADA standards)
  - e. The financial resources of friends or relatives shall not be considered to determine eligibility. A.B.A. Standard 5-6.1.
  - f. The defendant's liquid assets shall be taken into account. Liquid assets are defined as "cash in hand, stocks, bonds, bank accounts, and any other property which can be readily converted to cash". (NLADA, National Study Commission on Defense Services 1.5)
  - g. Unusually high medical expenses for defendant or dependents.
  - h. Fixed debts and obligations.
  - i. Court ordered support obligations.
  - J. Child care payments.

- k. Other significant factors related to financial inability to afford legal representation.
  - 1. Estimated costs of obtaining competent private representation for particular offense(s) charged.
  - m. Nature of the criminal charge(s).
  - n. Anticipated complexity of the case.
3. Income eligibility guidelines will be updated annually based on the annual revision of the poverty guidelines by HHS.

Witness our hands and seals this 23th day of April, 2015

s/ Glenn D. Welsh, President

s/ David Crowley, Secretary