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Derrick Mason
Executive
Director

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Indiana has three state public defense agencies: State Public Defender, Public Defender Council and the Public Defender Commission. Effective July 1, the Public Defender Commission will become the Commission on Court Appointed Attorneys.




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ABOUT THE COMMISSION

Since 1989, the Commission has served to create standards for public defense services in Indiana counties or regional systems that choose to uphold those standards in exchange for a partial reimbursement of county expenses in non-capital cases. The Commission also provides standards and partial reimbursement to all counties in capital (death penalty) cases and Federal Title IV-E Funding to ALL counties that request funding.

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KEY STANDARDS

The Commission sets standards which participating counties must follow in order to receive up to 40% reimbursement on eligible non-capital cases. Three key standards are described below:

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Caseload Maximums

To continue receiving reimbursement for eligible expenses, counties must ensure that their attorneys do not exceed these maximums.

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Attorney Qualifications

The Commission defines specific education and experience requirements for adult felony, juvenile delinquency and appeals cases.

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Compensation

Salaried and contract public defenders must be paid equal to the local prosecutor's office, or at state established minimums if no comparable positions exist.

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What is Title IV-E?

The Federal Government recently changed its policy to allow reimbursement for the costs for legal representation for parents in child welfare cases, as well as overhead costs and support staff, paralegals, investigators, peer partners, or social workers that support attorneys providing representation. These costs are now eligible for an open-ended entitlement (referred to as “Title IV - E Funding”). Through an agreement with the Indiana Department of Child Services (DCS), the Commission is the state agency that passes these funds on to counties.

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How to Receive Title IV-E Funds



Sign the agreement

The first step is signing the agreement with the Commission. This agreement states your county will submit accurate and complete public defense caseload and financial data each quarter.



Complete the form

Each quarter, complete the Commission’s Request for Reimbursement. This form compiles all public defense expenses and caseload information for your county. Using a weighted caseload formula, we extract the information from your form and apply the penetration rate (PEN rate) provided by DCS to determine your payment amount.



Receive Funds

Payments will be made after the quarterly Commission meetings. Annually, we will reach out to ask you *how* your Title IV-E reimbursements were spent.

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Payment Process



Quarterly Payment

Our office will calculate the amount of IV-E eligible expenses and issue payment based on your submitted form and the current PEN rate.



Track IV-E dollars

Our website includes a Title IV-E payment information sheet where you can see the amount being paid to your county each quarter. Counties are responsible for tracking spending. The only restricted spending category is lobbying, however we encourage the dollars to be reinvested in public defense.

TITLE IV-E INCENTIVE FUNDS

Some counties may find it challenging to participate in the Title IV-E reimbursement program due to the effort required in collecting countywide data and completing a reimbursement request. In recognition of this challenge, the Commission provides an incentive grant program to help these counties establish the necessary data collection system required for submitting the forms.



TITLE IV-E INCENTIVE FUNDS

The incentive funds are state funds and have no spending restrictions. No additional forms or reports are required for the incentive grants. Payments are issued quarterly.

Year 1 funding: \$1000 per eligible court per quarter
Year 2 funding: \$500 per eligible court per quarter



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2023 COUNTY REIMBURSEMENTS

- Counties received \$35,830,140 for non-capital reimbursements in CY2023.
- Counties received \$351,702 for capital reimbursements in CY2023.
- Counties received \$881,147 for Title IV-E reimbursements in CY2023.



\$37,062,989

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FOR MORE INFORMATION ON THE NON-CAPITAL REIMBURSEMENT PROGRAM
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FOR MORE INFORMATION ON THE TITLE IV-E REIMBURSEMENT PROGRAM
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READY TO GET STARTED?

For more information on the non-capital case reimbursement program or Title IV-E, please contact us!

information@pdcom.in.gov

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CHANGE

LOADING...

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S.E.A. 179 Highlights

- Changes the name of the Indiana public defender commission to the Indiana commission on court appointed attorneys (commission).
- Changes the distribution of fees for indigent defendant representation. Increases certain fees if a court finds a person is able to pay the cost of representation by counsel.
- Requires each clerk of the court to make an annual report to the commission concerning certain fees.

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PUBLIC DEFENSE FEE CHANGES

Indigent defense fees assessed under IC 35-33-7-6 are increasing effective July 1, 2024.



Adult Felony (current)

\$100; County retains 100% in the Supplemental Public Defense Fund



Adult Felony July 1

\$200; County retains first \$100; Remaining \$100 sent to CCAA.



Adult Misdemeanor (Current)

\$50; County retains 100% in the Supplemental Public Defense Fund



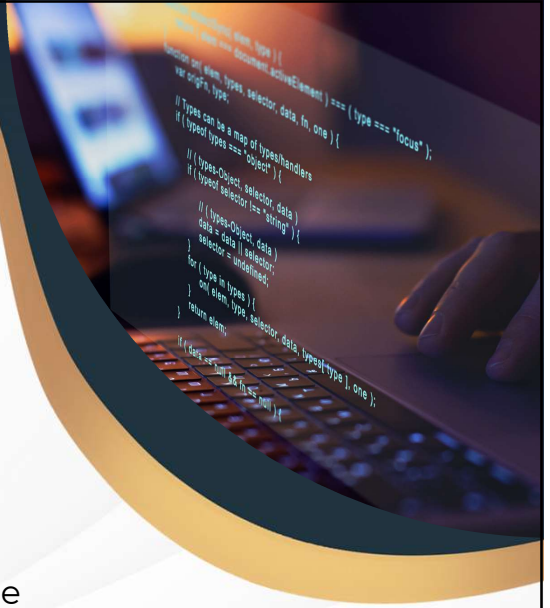
Adult Misdemeanor July 1

\$100; County retains first \$50; Remaining \$50 sent to CCAA.

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HOW DOES THE NEW FEE DISTRIBUTION AND REMITTANCE WORK?

OJA will provide detailed information during their session tomorrow. Odyssey will have updated selection boxes to identify the fees assessed under this statute. Behind the scenes, Odyssey will apply the payments in a manner such that the county will retain the first \$50/\$100 and the second \$50/\$100 will be remitted to the state twice a year



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REQUIRED CLERK ANNUAL REPORTS TO THE COMMISSION CONCERNING CERTAIN FEES.

The Office of Judicial Administration will compile and submit the report containing statistics and fee collection information. More details will be presented tomorrow...



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GET MORE INFORMATION



PHONE
317.233.6908



WEBSITE
www.in.gov/publicdefender



E-MAIL
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THANK YOU

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