

## **STANDARDS FOR DETERMINING INDIGENCE**

### **Introduction**

The Georgia Indigent Defense Act, in O.C.G.A. § 17-12-8(b)(8) and O.C.G.A. § 17-12-24(a), requires the Georgia Public Defender Standards Council to adopt a uniform standard and procedure to be used by each Circuit Public Defender Office to determine whether a person is indigent and entitled to representation at public expense under the Act.

The Standards Council adopted Standards for Determining Indigence in principle on November 21, 2003 and ratified the standards on August 27, 2004. These standards use the Federal Poverty Guidelines.

On February 18, 2005 the United States Department of Health and Human Services published the 2005 Federal Poverty Guidelines. Federal Register, Vol. 70, No.33, February 18, 2005, pp. 8373-8375.

### **Standard**

The Standards Council adopts the attached 2005 Poverty Guidelines and Standards for Determining Indigence which is computed using the 2005 Federal Poverty Guidelines which were published on February 18, 2005 by the United States Department of Health and Human Services. Federal Register, Vol. 70, No.33, February 18, 2005, pp. 8373-8375. The attached 2005 Poverty Guidelines and Standards for Determining Indigence is to be used in implementing the Standards for Determining Indigence.

Notice of intention to adopt this standard was published on March 4, 2005 in accordance with § 2.3 (a) (1) of the Standards Council Bylaws and the Standard was adopted by the Georgia Public Defender Standards Council at its meeting on April 6, 2005.

/s/ \_\_\_\_\_  
Emmet J. Bondurant  
Chairperson

Attested:  
/s/ \_\_\_\_\_  
Natasha Perdew Silas  
Secretary