FORM SUMMARY

Name of Form:	**Petition for Appointment of an Attorney, Affidavit of Indigency**
Form Number:	**GF-152A**

Statutory Reference:	United States Constitution, Amendment 6; Wisconsin Constitution Article 1, §7; Supreme Court Order 93-15, Supreme Court Order 17-06; §§48.23; 51.20(3), 814.29, 977.08(3), Wisconsin Statutes.
Purpose of Form:	This petition and affidavit is to be completed by an individual seeking appointment of an attorney at county expense after having been deemed not indigent under state public defender guidelines. RMC anticipates that this form can be used to appoint an attorney for persons in many different types of cases, including defendants in criminal matters, parents in CHIPS or TPR cases, subjects of involuntary mental commitment proceedings, or other proceedings. It uses the same standards and format established for the affidavits of indigency found in form CV-410.
Who Completes It:	The party seeking the indigency determination will complete the affidavit.
Distribution of Form:	Court. Copy to district attorney and attorney appointed. The party seeking the indigency determination will probably keep a copy.
Accompanying Forms:	Generally none, except some courts may require a copy of the appropriate pleadings (criminal complaint, petition for mental commitment, CHIPS petition, etc.) to be attached to the petition in order to assist in making a determination of the probable costs of representation.
New Form/Modification:	Modified; last update 11/19.
Modifications:	Added remote notary statement pursuant to 2019 WI Act 125.
Comments:	Although a person may not meet state public defender guidelines for appointment of an attorney, or the state public defender may not be able to appoint an attorney, there may still be constitutional or other considerations why an attorney should be appointed at county expense. This form allows the person to petition the court for appointment of an attorney, complete an affidavit of indigency and deliver it to court. The court would review the affidavit and make a determination of indigency and appoint an attorney if appropriate. If an attorney is appointed, the court must:

- designate the attorney to be appointed and the payment rate for the attorney (SPD rates or other), and,
- make a determination of whether the county should be reimbursed for the costs of that appointment and the schedule of payments that should be made.

The court may deny the request if:

- The person is not indigent (including if the affidavit is deemed to be untrue), or
- Other reasons. For example, in *Joni B. v. State*, 202 Wis.2d 1, 549 N.W.2d 411 (1996), the court set standards for determining the appropriateness of appointing an attorney for parents in CHIPS cases.

About this Form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.