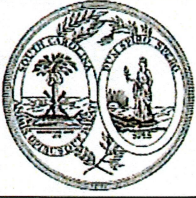


<b>AGENCY NAME:</b>	Commission on Indigent Defense		
<b>AGENCY CODE:</b>	E230	<b>SECTION:</b>	61



## Fiscal Year 2024-25 Agency Budget Plan

### FORM A - BUDGET PLAN SUMMARY

<b>OPERATING REQUESTS (FORM B1)</b>	<b>For FY 2024-25, my agency is (mark "X"):</b> <input type="checkbox"/> Requesting General Fund Appropriations. <input checked="" type="checkbox"/> Requesting Federal/Other Authorization. <input type="checkbox"/> Not requesting any changes.
<b>NON-RECURRING REQUESTS (FORM B2)</b>	<b>For FY 2024-25, my agency is (mark "X"):</b> <input type="checkbox"/> Requesting Non-Recurring Appropriations. <input type="checkbox"/> Requesting Non-Recurring Federal/Other Authorization. <input checked="" type="checkbox"/> Not requesting any changes.
<b>CAPITAL REQUESTS (FORM C)</b>	<b>For FY 2024-25, my agency is (mark "X"):</b> <input type="checkbox"/> Requesting funding for Capital Projects. <input checked="" type="checkbox"/> Not requesting any changes.
<b>PROVISOS (FORM D)</b>	<b>For FY 2024-25, my agency is (mark "X"):</b> <input type="checkbox"/> Requesting a new proviso and/or substantive changes to existing provisos. <input checked="" type="checkbox"/> Only requesting technical proviso changes (such as date references). <input type="checkbox"/> Not requesting any proviso changes.

Please identify your agency's preferred contacts for this year's budget process.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
<b>PRIMARY CONTACT:</b>	Rodney Grizzle	803-734-1168	rgrizzle@sccid.sc.gov
<b>SECONDARY CONTACT:</b>	Donna Bridges	803-734-1451	dbridges@sccid.sc.gov

I have reviewed and approved the enclosed FY 2024-25 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

<b>SIGN/DATE:</b>	<u>Agency Director</u> 	<u>Board or Commission Chair</u> 
<b>TYPE/PRINT NAME:</b>	J. Hugh Ryan, III	John S. Nichols

*This form must be signed by the agency head – not a delegate.*

### Fiscal Year 2024-2025 Executive Summary

Agency Code:	E230
Agency Name:	Commission On Indigent Defense
Section:	61

Agency Priority	Request Type	Title	General Dollars	Federal Dollars	Earmarked Dollars	Restricted Dollars	Total Dollars	General FTEs	Federal FTEs	Earmarked FTEs	Restricted FTEs	Total FTEs
1	B1 - Recurring	Increase in Other Funds Authorization for I. Administration; Rule 608 Appointment	\$0	\$0	\$1,000,000	\$0	\$1,000,000	0.00	0.00	0.00	0.00	0.00
2	B1 - Recurring	Reduction in Federal Funds Authorization	\$0	(\$121,477)	\$0	\$0	(\$121,477)	0.00	0.00	0.00	0.00	0.00
<b>Subtotal:</b>			<b>\$0</b>	<b>(\$121,477)</b>	<b>\$1,000,000</b>	<b>\$0</b>	<b>\$878,523</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

## **FORM B1 – RECURRING OPERATING REQUEST**

<b>AGENCY PRIORITY</b>	<b>1</b>
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*Provide the Agency Priority Ranking from the Executive Summary.*

<b>TITLE</b>	<b>Increase in Other Funds Authorization for I. Administration: Rule 608 Appointment</b>
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*Provide a brief, descriptive title for this request.*

<b>AMOUNT</b>	<p><b>General: \$0</b></p> <p><b>Federal: \$0</b></p> <p><b>Other: \$1,000,000</b></p> <p><b>Total: \$1,000,000</b></p>
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*What is the net change in requested appropriations for FY 2024-2025? This amount should correspond to the total for all funding sources on the Executive Summary.*

<b>NEW POSITIONS</b>	<b>0.00</b>
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*Please provide the total number of new positions needed for this request.*

<b>FACTORS ASSOCIATED WITH THE REQUEST</b>	<b>Mark "X" for all that apply:</b>	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority #	

<b>STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES</b>	<b>Mark "X" for primary applicable Statewide Enterprise Strategic Objective:</b>	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
	<input checked="" type="checkbox"/>	Government and Citizens

<b>ACCOUNTABILITY OF FUNDS</b>	<p>This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The Other Funds Authorization request will allow SCCID to use federal funds provided by DSS through a Memorandum of Understanding to enhance the quality of parent representation provided in Abuse &amp; Neglect cases by including additional professional services, training for attorneys, earlier appointment of counsel and other resources to increase the quality of representation.</p>
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*What specific strategy, as outlined in the most recent Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?*

<b>RECIPIENTS OF</b>	<p>The funds are provided as a reimbursement of expenditures provided through a MOU between SCCID and DSS and will be used to procure professional services from Social Workers, investigators and additional services deemed necessary in the</p>
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**FUNDS**

representation of clients of the civil court appointed attorney.

*What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?*

**JUSTIFICATION OF REQUEST**

SCCID is requesting a \$1,000,000 increase in Other Funds Authorization to allow the agency to expand the legal services provided to parents in DSS Abuse & Neglect cases. Funding for this authorization is pursuant to a Memorandum of Understanding between SCCID and DSS which reimburses SCCID a percentage of the allowable costs associated with the legal representation of qualified individuals under the Title IV (E) program under the Social Security Act. This reimbursement is an enhancement program to ensure that both the Title IV (E) eligible child in foster care and that child's parents are prepared for and participate in all stages of foster care related legal proceedings.

*Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.*

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

## **FORM B1 – RECURRING OPERATING REQUEST**

<b>AGENCY PRIORITY</b>	2
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*Provide the Agency Priority Ranking from the Executive Summary.*

<b>TITLE</b>	<b>Decrease in Federal Authorization</b>
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*Provide a brief, descriptive title for this request.*

<b>AMOUNT</b>	<b>General: \$0</b> <b>Federal: (\$121,477)</b> <b>Other: \$0</b> <b>Total: (\$121,477)</b>
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*What is the net change in requested appropriations for FY 2024-2025? This amount should correspond to the total for all funding sources on the Executive Summary.*

<b>NEW POSITIONS</b>	0.00
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*Please provide the total number of new positions needed for this request.*

<b>FACTORS ASSOCIATED WITH THE REQUEST</b>	<b>Mark "X" for all that apply:</b>	
	<input type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input checked="" type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
<input type="checkbox"/>	Consulted DTO during development	
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority #	

<b>STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES</b>	<b>Mark "X" for primary applicable Statewide Enterprise Strategic Objective:</b>	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

<b>ACCOUNTABILITY OF FUNDS</b>	<p>This funding request is based upon the Strategy 2.1 Provide mandatory training program for all new Public Defenders and contract attorneys. The project will emphasize training for all attorneys defending indigent juvenile offenders. The intensified training will build upon the training function already established in the state's Commission on Indigent Defense, coordinated by Juvenile Defender Advocate who will serve as a resource for juvenile defense attorneys.</p>
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*What specific strategy, as outlined in the most recent Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?*

<b>RECIPIENTS OF</b>	<p>SCCID received a federal grant from the US Department of Justice, through the Office of Juvenile Justice and Delinquency Prevention for 3 years. The grant ended in December of 2022 and we are asking that the federal authorization be removed from</p>
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**FUNDS**

our budget for FY24-25.

*What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?*

**JUSTIFICATION OF  
REQUEST**

SCCID is requesting (\$121,477) in Federal Funds Authorization for the third year of a three-year grant from the Office of Juvenile Justice and Delinquency Prevention under the US Department of Justice. The grant ended in December of 2022 and that agency is asking that the federal funds authorization of \$121,477 be removed from the budget for the FY24-25.

*Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.*

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

## **FORM D – PROVISO REVISION REQUEST**

**NUMBER**

61.7  
*Cite the proviso according to the renumbered list (or mark "NEW").*

**TITLE**

Defense of Indigents Civil Action Application Fee  
*Provide the title from the renumbered list or suggest a short title for any new request.*

**BUDGET PROGRAM**

III. Office of Circuit Public Defender; Defense of Indigents/Per Capita  
*Identify the associated budget program(s) by name and budget section.*

**RELATED BUDGET REQUEST**

N/A  
*Is this request associated with a budget request you have submitted for FY 2024-2025? If so, cite it here.*

**REQUESTED ACTION**

Amend  
*Choose from: Add, Delete, Amend, or Codify.*

**OTHER AGENCIES AFFECTED**

N/A  
*Which other agencies would be affected by the recommended action? How?*

**SUMMARY & EXPLANATION**

This provision establishes a \$40 Civil Application Fee for anyone who requests the appointment of counsel for specific identified civil court actions. The amended language would require the Clerk of Court to collect the \$40 Civil Application Fee and remit it to the State Treasurer and not directly to the Commission on Indigent Defense. The Clerks of Court Offices have been combining the collected \$40 PD Application fee (Proviso 61.1) and the \$40 Civil Application Fee and remitting it to the Treasurer under the PD Application collections. This amendment will require the Clerk's to separate the two fees when submitting them to the Treasurer's Office. The Treasurer's Office would itemize the distributions and the Commission can then track the collections and distribute the funds for their intended purposes.

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

## FISCAL IMPACT

None. The Clerks of Court Office would remit the \$40 civil application fee to their County Treasurer's Office, who would in turn transfer the funds to the State Treasurers Office and those funds would be sent to SCCID on a monthly basis along with other funds that the Treasurer's Office collects and remits to SCCID.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

## PROPOSED PROVISO TEXT

**61.7. (INDEF: Defense of Indigents Civil Action Application Fee)** (A) A person requesting appointment of counsel in any termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the State Treasurer's Office on a monthly basis separate from the application fee collected pursuant to Section 17-3-30(B) **Commission on Indigent Defense.**

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the ~~Commission on Indigent Defense~~ **State Treasurer's Office** on a monthly basis **separate from the application fee collected pursuant to Section 17-3-30(B).** The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.

(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that judgment will be entered. When a claim is



reduced to judgment, it shall have the same effect as judgments, except as modified by this provision.

*Paste existing text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.*

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

## **FORM E – AGENCY COST SAVINGS AND GENERAL FUND REDUCTION CONTINGENCY PLAN**

<b>TITLE</b>	Agency Cost Savings and General Fund Reduction Contingency Plan
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<b>AMOUNT</b>	\$1,485,338
	<i>What is the General Fund 3% reduction amount? This amount should correspond to the reduction spreadsheet prepared by EBO.</i>

<b>ASSOCIATED FTE REDUCTIONS</b>	No reduction in State Authorized FTE's. However, a reduction in Defense of Indigent Per Capita funding could result in a loss of public defender positions, which are county positions, but partially or fully funded with State Defense of Indigents Per Capita funds.
	<i>How many FTEs would be reduced in association with this General Fund reduction?</i>

<b>PROGRAM / ACTIVITY IMPACT</b>	<p>I. Administration</p> <p style="padding-left: 40px;">Rule 608 Appointment</p> <p>II. Office of Circuit Public Defender</p> <p style="padding-left: 40px;">Defense of Indigents/Per Capita</p>
	<i>What programs or activities are supported by the General Funds identified?</i>

<b>SUMMARY</b>	<p>If the 3% General fund reduction were to be implemented, SCCID would take the cuts from our budget lines as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">Rule 608 Appointment</td> <td style="text-align: right;"><b>(856,166)</b></td> </tr> <tr> <td style="padding-right: 20px;">Defense of Indigent per capita</td> <td style="text-align: right;"><b>(629,172)</b></td> </tr> <tr> <td style="padding-right: 20px;">SCCID 3% Reduction</td> <td style="text-align: right;"><b>(1,485,338)</b></td> </tr> </table> <p>This reduction would decrease this agency's ability to fund the much-needed legal representation for the indigent citizens of South Carolina. The reduction of these funds means that the county Public Defender Offices will not be able to fund attorney positions to efficiently handle cases that are brought to court, thus increasing the caseloads of the already strained public defenders working in the 16 judicial circuits. The reduction in staff could cause the court docket to slow down even further thus creating additional problems for other agencies of the State, local law enforcement, etc. The reduction of funds for the Rule 608 Appointment, would mean that SCCID would not be able to pay the private contract attorneys for handling the cases of the indigent citizens of South Carolina and would also increase the backlog of cases, which has grown exponentially due to court closures during COVID.</p>	Rule 608 Appointment	<b>(856,166)</b>	Defense of Indigent per capita	<b>(629,172)</b>	SCCID 3% Reduction	<b>(1,485,338)</b>
Rule 608 Appointment	<b>(856,166)</b>						
Defense of Indigent per capita	<b>(629,172)</b>						
SCCID 3% Reduction	<b>(1,485,338)</b>						

*Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations and provide the method of calculation for anticipated reductions. Agencies should prioritize reduction in expenditures that have the least significant impact on service delivery.*

**AGENCY COST  
SAVINGS PLANS**

SCCID continues to look for ways to be more efficient with less resources. In FY23, SCCID did not fill four FTE positions within the agency and have absorbed those job responsibilities within the existing staff.

*What measures does the agency plan to implement to reduce its costs and operating expenses by more than \$50,000? Provide a summary of the measures taken and the estimated amount of savings. How does the agency plan to repurpose the savings?*