Responsibility for Payment of Appointed Attorneys

Case Type	Applicable Code Section	Rate	Send Claims to:
Adult Criminal Case Prefix M = Misdemeanor or F = Felony	PC987.2 (a) In any case in which a person, including a person who is a minor, desires but is unable to employ counsel, and in which counsel is assigned in the superior court to represent the person in a criminal trial, proceeding, or appeal, the following assigned counsel shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to **be paid out of the general fund of the county.**	Misdemeanors $65/hour Felonies $85/hour Murder $100/hour Capital Case $150/hour (eff. 7/2011)	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Investigators Case Prefix M, F or JV	PC987.2 (f) In any case in which counsel is assigned as provided in subdivision (a), that counsel appointed by the court and any court-appointed licensed Private investigator shall have the same rights and privileges to information as the public defender and the public defender investigator (see above) PC987.3. Whenever in this **code** a court-appointed attorney is entitled to reasonable compensation and necessary expenses, the judge of the court shall consider the following factors, no one of which alone shall be controlling:	$65/hour	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Juvenile Delinquency (600's) Case Prefix JV	PC987.2 (a) In any case in which a person, **including a person who is a minor,** desires but is unable to employ counsel, and in which counsel is assigned in the superior court to represent the person in a criminal trial, proceeding, or appeal, the following assigned counsel shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to **be paid out of the general fund of the county.**	$65/hour or for Reimbursable Cases $250 1st Appearance $200 Subsequent Appearance $250-$300 half-day of trial $500-$600 full-day of trial	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Adoptions Case Prefix AD	FC 7861. The court shall consider whether the interests of the child require the appointment of counsel. If the court finds that the interests of the child require representation by counsel, the court shall appoint counsel to represent the child, whether or not the child is able to afford counsel. The child shall not be present in court unless the child so requests or the court so orders. FC7862. If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless that representation is knowingly and intelligently waived. FC7863 Private counsel appointed under this article shall receive a reasonable sum for compensation and expenses…The amount so determined shall be paid by the real parties in interest, other than the child, in proportions the court deems just. However, if the court finds that any of the real parties in interest are unable to afford counsel, the amount shall be **paid out of the general fund of the county.**	$85/hour **A court order showing that the court has determined that person is unable to pay is required by the County.**	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408

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Probate Case Prefix PR	PR1470. (a) The court may appoint private legal counsel for a ward, a proposed ward, a conservatee, or a proposed conservatee in any proceeding under this division if the court determines the person is not otherwise represented by legal counsel… Any portion of the cost of that counsel that the court finds the parent or parents, or the estate of the ward or proposed ward is unable to pay shall be **paid by the county**.	$85/hour (eff. 08/02/12) **A court order showing that the court has determined that person is unable to pay is required by the County.**	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Juvenile Dependency Case Prefix JV	**GC77003** (4) **Court-appointed counsel in juvenile court dependency** proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family **Code**. The exception is Immigration Issues in Dependency cases, court is responsible for payment	N/A	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Family Law Atty for Minor Case Prefix FL, CV	**FC3150** a) If the court determines that it would be in the best interest of the minor child, the court may appoint private counsel to represent the interests of the child in a custody or visitation proceeding. (b) Upon entering an appearance on behalf of a child pursuant to this chapter, counsel shall continue to represent that child unless relieved by the court upon the substitution of other counsel by the court or for cause. **GC77003** (4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.	$65/hour	**Superior Court** Fiscal Division 1035 Palm Street, Rm 385 San Luis Obispo, CA 93408
Family Law Case Prefix FL, FS	**FC7863** Private counsel appointed under this article shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. The amount so determined shall be paid by the real parties in interest, other than the child, in proportions the court deems just. However, if the court finds that any of the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.	Determined at time of appointment	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408

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Juvenile Dependency WIC-300 Series	Evidence Code Section 730 When it appears to the court, at any time before or during the trial of an action, that expert **evidence** is or may be required by the court or by any party to the action, the court on its own motion or on motion of any party may appoint one or more experts to investigate, to render a report as may be ordered by the court, and to testify as an expert at the trial of the action relative to the fact or matter as to which the expert **evidence** is or may be required. The court may fix the compensation for these services, if any, rendered by any person appointed under this section, in addition to any service as a witness, at the amount as seems reasonable to the court. Nothing in this section shall be construed to permit a person to perform any act for which a license is required unless the person holds the appropriate license to lawfully perform that act. **731.** (a) In all criminal actions and juvenile court proceedings, the compensation fixed under Section **730** shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court. (b) In any county in which the board of supervisors so provides, the compensation fixed under Section **730** for medical experts in civil actions in such county shall be a charge against and paid out of the treasury of such county on order of the court.	$100/hour	**San Luis Obispo County** Department of Social Services Attn: Tonya Sharp Accounts Payable P.O. Box 8119 San Luis Obispo, CA 93408
Juvenile Delinquency WIC 600-700 Series	Evidence Code Section 730& 731 – see above	$100/hour	**San Luis Obispo County** Probation Department Attn: Accounts Payable 2176 Johnson Avenue San Luis Obispo, CA 93408
Criminal, Plea of Insanity	Penal Code Section 1026, 1027 & EC1017. (a) When a defendant pleads not guilty by reason of insanity the court must select and appoint two, and may select and appoint three, psychiatrists, or licensed psychologists who have a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders, to examine the defendant and investigate his mental status. It is the duty of the psychiatrists or psychologists so selected and appointed to make the examination and investigation, and to testify, whenever summoned, in any proceeding in which the sanity of the defendant is in question. The psychiatrists or psychologists so appointed by the court shall be allowed, in addition to their actual traveling expenses, such fees as in the discretion of the court seems just and reasonable, having regard to the services rendered by the witnesses. The fees allowed shall be paid by the county where the indictment was found or in which the defendant was held for trial. **The AG concluded that the county is responsible for the payment of the following two categories of examinations: (1) examinations ordered under Penal Code sections 1026 and 1027 when a defendant enters a plea of not guilty by reason of insanity; and (2) examinations ordered for sexually violent predator commitment proceedings under Welfare and Institutions Code section 6600 et seq.**	$500 Flat Rate (Eff. 6/3/11) Mileage rate is .575/mile as of 1/1/20	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Criminal, Court-Appointed Expert Witness	Evidence Code Section 730 & 731 – see above	$300 Flat Rate	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408

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Civil, Involuntary Commitment of Mentally Retarded	Welfare and Institutions Code Section 6508& 6513. Each psychologist and physician shall receive for each attendance mentioned in Section 6507 the sum of five dollars ($5) for each person examined, together with his necessary actual expenses occasioned thereby, and other witnesses shall receive for such attendance such fees and expenses as the court in its discretion allows, if any, not exceeding the fees and expenses allowed by law in other cases in the superior court. Any fees or traveling expenses payable to a psychologist, physician, or witness as provided in this section and all expenses connected with the execution of any process under the provisions of this article, which are not paid by the parent, guardian, conservator, or person charged with the support of the supposed mentally retarded person, shall be paid by the county treasurer of the county in which the person resides, upon the presentation to the treasurer of a certificate of the judge that the claimant is entitled thereto.	$300 Flat Rate	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Sexually Violent Predator Commitment	Welfare and Institutions Code Section 6600 et seq. (e) If one of the professionals performing the evaluation pursuant to subdivision (d) does not concur that the person meets the criteria specified in subdivision (d), but the other professional concludes that the person meets those criteria, the Director of Mental Health shall arrange for further examination of the person by two independent professionals selected in accordance with subdivision (g). (f) If an examination by independent professionals pursuant to subdivision (e) is conducted, a petition to request commitment under this article shall only be filed if both independent professionals who evaluate the person pursuant to subdivision (e) concur that the person meets the criteria for commitment specified in subdivision (d). The professionals selected to evaluate the person pursuant to subdivision (g) shall inform the person that the purpose of their examination is not treatment but to determine if the person meets certain criteria to be involuntarily committed pursuant to this article. It is not required that the person appreciate or understand that information. (g) Any independent professional who is designated by the Secretary of the Department of Corrections and Rehabilitation or the Director of Mental Health for purposes of this section shall not be a state government employee, shall have at least five years of experience in the diagnosis and treatment of mental disorders and shall include psychiatrists and licensed psychologists who have a doctoral degree in psychology. The requirements set forth in this section also shall apply to any professionals appointed by the court to evaluate the person for purposes of any other proceedings under this article.	$300 Flat Rate	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
Competency of Criminal Defendant	Penal Code Section 1368, 1369 & 1370. Under Penal Code section 1368(a) "[i]f, during the pendency of an action and prior to judgment, a doubt arises in the mind of the judge as to the mental competence of the defendant," the judge must inquire of defense counsel whether he or she believes that the defendant is competent. If defense counsel informs the court that he or she does have a doubt about the defendant's competence, "the court shall order that the question of the defendant's mental competence is to be determined in a hearing." If, on the other hand, "counsel informs the court that he or she believes the defendant is mentally competent, the court *may* nevertheless order a hearing." (*Id.* [emphasis added].)	$300 Flat Rate	**Superior Court** Fiscal Division 1035 Palm Street, Rm 385 San Luis Obispo, CA 93408

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Probation Following Lewd Acts	Penal Code Section 288.1 The court, however, is not required to order a Penal Code section 288.1 report simply because a party requests it. (*People v. Thompson* (1989) 214 Cal.App.3d 1547, 1549.) In *People v. Thompson,* the Court of Appeal upheld the trial court's refusal to order a Penal Code section 288.1 examination. The court in *Thompson* found that the defendant is not entitled to such an examination and the examination must be ordered "only if the trial court is inclined to grant probation." (*Ibid.*) Thus, if the court "has no intention of granting probation, and the record supports such a denial of probation, a section 288.1 report is not mandated." (*Ibid.*) Therefore, examinations are not required simply because they are requested by the defense. The fact that the reports are required only when the court is inclined to grant probation and the fact that the report is delivered to the court for the court to use in exercising its discretion support the arguments that reports ordered by the court are for the court's own "use" and "needs."	$300 Flat Rate	**Superior Court** Fiscal Division 1035 Palm Street, Rm 385 San Luis Obispo, CA 93408
Civil Commitment for 180 Days	Welfare & Institutions Code Section 5303.1 The court is not required to order an examination; however, the court *may* order an examination when a person who is subject to a civil commitment for 180 days requests a hearing or jury trial. As noted, Welfare and Institutions Code section 5303.1 states that for any hearing or jury trial, the judge "may appoint a psychiatrist or psychologist with forensic skills." If the court does appoint an expert, that person must testify at the trial or hearing. (*Ibid.*) If the court does not appoint an expert, then the examining professionals who requested that the person be committed must testify at the trial or hearing unless their presence is waived. (*Ibid.*)	$300 Flat Rate	**Superior Court** Fiscal Division 1035 Palm Street, Rm 385 San Luis Obispo, CA 93408
Narcotics Addict—Criminal	Welfare & Institutions Code Section 3051 The court is required to order an examination when a defendant has been convicted of a felony or had felony probation revoked and the judge believes that the defendant is addicted or may become addicted to narcotics. Welfare and Institutions Code section 3051 provides that the court must suspend proceedings and order the district attorney to file a petition for commitment "if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics".	$300 Flat Rate	**Superior Court** Fiscal Division 1035 Palm Street, Rm 385 San Luis Obispo, CA 93408
Narcotics Addict—Civil	Welfare & Institutions Code Section 3102 The court is required to order an examination when the district attorney files a petition for someone's civil commitment as a narcotics addict. As noted, Welfare and Institutions Code section 3102 provides that when the district attorney files a petition to have someone committed as a narcotics addict, "the court shall order the person sought to be committed to be examined by two physicians." Welfare and Institutions Code section 3103.5 also requires the court to appoint two physicians to examine the defendant.	$300 Flat Rate	**Superior Court** Fiscal Division 1035 Palm Street, Rm 385 San Luis Obispo, CA 93408
PRCS Claims	Administrative Office	$300 per Case	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408

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QAWI Hearings	MDO Involuntary Medication Hearing	$250	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408
PC 4750	Crimes on State Property		
PC 2960, 2962, 2970 and 2973	MDO HEARINGS	Sliding Scale	**San Luis Obispo County** Administrative Office Attn: Accounts Payable 1055 Monterey Street, D430 San Luis Obispo, CA 93408