

MARY POLLARD
EXECUTIVE DIRECTOR
MARY.S.POLLARD@NCCOURTS.ORG

TELEPHONE:
(919) 354-7200

OFFICE OF
INDIGENT DEFENSE SERVICES
STATE OF NORTH CAROLINA

www.ncids.org
123 WEST MAIN STREET
SUITE 400
DURHAM, N.C. 27701

DARRIN JORDAN
CHAIR

DOROTHY HAIRSTON MITCHELL
VICE CHAIR

POINTS & CLARIFICATIONS ON NEW FORMS VERSION DECEMBER 2020

- 1) **Did the hourly rates change?** No—there is no change in what IDS is paying private assigned counsel. The last change was in December 2018. We will continue to advocate with policymakers for sufficient funding to raise rates.
- 2) **Are we required to attach time sheets?** IDS does not intend to return fee applications because a time sheet is not attached. SL 2020-83 required IDS to update all fee applications “in order to provide space for the itemization of time spent.” Because the various fee applications provide sufficient space for itemization for most cases—e.g., mileage, time in court, time in court waiting,” attorneys should attach an itemized time sheet if, in their own judgment, they are unable to sufficiently itemize their time on the front. Of course, if a judicial official asks for a time sheet, attorneys should attach one.
- 3) **What is required for the new appointment fee?** Per S.L. 2020-83, the appointment fee assessed as a cost against convicted defendants increased from \$60 to \$75 effective dispositions on December 1, 2020 or later. This does not impact what we pay court appointed counsel. The appointment fee is part of the recoupment receipts that go to IDS and AOC. The amount of the appointment fee is listed on the back of the AOC-CR225. If you are using an older version of the form and your client was convicted, the judge can simply cross-out \$60 in Judgment #2 on the back side of the application and write in \$75.00 or direct you to do so. If you submit an old fee application and there is no indication that the appointment fee has been corrected, we will be forced to return it to you for correction.
- 4) **If I started my fee application on the old form, do I have to start over on a December 2020 version?** For the appointment fee issue, you can add the required information to the older version during this transition time. For example, if you filled out an older fee application for a case that ended in conviction on or after December 1, 2020, the judge can simply cross-out \$60 in Judgment #2 on the back side of the application and write in \$75.00 or direct you to do so. For the AOC-G-200, you can add the information explained in #5 below.
- 5) **What new information is required in child welfare cases?** The December 2020 version of the AOC-G-200 asks for three important pieces of information related to child welfare cases. If you are using an older version, you can handwrite the required information. For TPR’s, we need to know if it is private or DSS involved. For Abuse/Neglect/Dependency, we need to know if your client’s children were in DSS custody at the time of the beginning date for this fee application **and** at the start of the last proceeding. You can find more information about this change on the [parent representation page](#). We will begin returning fee applications missing this information in January 2021.
- 6) **How do I know if I am using the most up-to-date form?** To determine whether you are using the most up-to-date fee application, refer to the bottom left corner of the form. It must read “Rev. 12/20” after the form number. If it does not, then it is an out-of-date version and should not be used.