

WRITTEN ADVISEMENT

A Hearing Date will be set to see if you can Repay Attorney Fees*

[For legal services provided to you and your children]

| | |
|---------------|--|
| STEP 1 | <p>Complete the following form, starting at section 1, in blue or black ink <u>JV-2020 - Financial Declaration/Subsequent Financial Declaration</u></p> <p>After completing the sections that apply to you, fill in your name at the beginning of section 9. Read the entire section before checking both boxes in section 9 and signing your name at the bottom of the form.</p> <p>Once you have completed the form hand it to your attorney. The courtroom clerk will file the Financial Declaration, write in your financial evaluation hearing date and give you a file-endorsed copy.</p> |
| STEP 2 | <p>Attend the Financial Evaluation Hearing. Your attendance at the Financial Evaluation hearing is very important. At the hearing the judge will review your Financial Declaration and determine your ability to repay the attorney fees for your legal services and legal services provided to your children).</p> <p>If you do not attend the Financial Evaluation hearing the judge will order that you fully pay <u>all</u> fees for your attorney and your children’s attorney immediately.</p> |
| STEP 3 | <p>At the Financial Evaluation Hearing the Judge may do one of the following:</p> <ul style="list-style-type: none">a. Order that you repay the assessed attorney feesb. Order that you repay a portion of the assessed attorney fees, orc. Determine that you do not have the ability to repay attorney fees. <p>You will be given a copy of <u>JV-2021 - Order on Assessment and Repayment of Attorney Fees</u>. This order will explain the judge’s decision.</p> <p>If you disagree with the amount of the fees or believe you do not have the ability to pay the fees you have the right to a separate evidentiary hearing to dispute the assessed fees. If you ask for a dispute hearing you will be given a future hearing date where you are entitled to:</p> <ul style="list-style-type: none">• The opportunity to be heard in person;• The opportunity to present witnesses and written evidence;• The opportunity to confront and cross-examine witnesses brought against you;• Disclosure of the evidence against you;• A written statement of findings of the court;• Representation by an attorney and, if you can’t afford an attorney, to have one appointed to represent you. <p>If you agree to repay the attorney fees the order will include the full amount of the fees and the date payment is due.</p> <p>If the judge finds that you do not have the ability to repay the attorney fees, you will not have to pay.</p> |
| STEP 4 | <p>If you are ordered to pay fees, Fee payments must be paid in full, by the due date at the Clerk’s Office located on the first floor of the Terraine Street Courthouse, 201 North First Street, San José, CA 95113.</p> <p>At any time prior to full repayment of the attorney fees ordered, you may petition the court to modify or vacate the order for repayment based on a change of circumstances relating to your ability to pay. To request a Hearing for Reconsideration of your order, you must file an updated Financial Declaration at the Terraine Street Clerk’s Office. See Steps 1 and 2 below.</p> |

Common Questions

Question: What if I go to the dispute hearing and the judge decides I can repay attorney fees, can I object to the order for repayment again?

Answer: The dispute hearing will be scheduled before another judge who you have not appeared before. The judge assigned to hear your dispute will review your Financial Declaration and the first assessed amount. You will be allowed to present evidence. If the other judge decides that you are able to repay the fees assessed, you will not be able to dispute the judge's ruling a second time. The only other way to change the fees ordered paid would be as outlined below.

Question: What if the judge makes an order for repayment of attorney fees and then my financial circumstances change or I need to pay for certain reunification services for me or my children and I can't pay the court ordered costs?

Answer: Per W&I Sec. 903.45(c), you are entitled to request a hearing to have the court reconsider your fees ordered paid at any time prior to satisfaction of the judgment.

| | |
|---------------|---|
| STEP 1 | <p>Complete the following form, starting with the box in the "Subsequent Financial Declaration" section at the top of the form, in blue or black ink <u>JV-2020 - Financial Declaration/Subsequent Financial Declaration</u></p> <p>Fill in the date the court filed your Order on Assessment and Repayment of Attorney Fees (JV-2021), ordering that you repay attorney fees. In the same section, check the box that your request is based on. Complete sections 1 through 8, fill in your name at the beginning of section 9. Read the entire section before checking both boxes in section 9 and signing your name at the bottom of the form.</p> <p>Once you have completed the form file it in the Clerk's Office at the 201 North First Street Courthouse. You will receive notice by mail of the court's findings.</p> |
| STEP 2 | <p>If you receive notice that a hearing has been set, attend the Subsequent Financial Evaluation Hearing. Your attendance at the hearing is very important. If you do not attend the hearing your request to change your fees will not be heard.</p> <p>At the hearing the judge will review your Subsequent Financial Declaration and determine if you are able to repay the attorney fees for your legal services and legal services provided to your children.</p> <p>See steps 3 and 4 on the previous page.</p> |

*Juvenile Dependency Court-Appointed Counsel Fees per Hearing

| | |
|--------------------------------|------------|
| Detention | \$340.00 |
| Disposition | \$519.00 |
| 6 Month Review Hearing | \$307.00 |
| 12 Month Review Hearing | \$219.00 |
| 18 Month Review Hearing | \$92.00 |
| 366.26 Hearing | \$453.00 |
| First Post Permanency Hearing | \$55.00 |
| Second Post Permanency Hearing | \$55.00 |
| Third Post Permanency Hearing | \$55.00 |
| CRC 8.450 Writ | \$1,282.00 |

If you are assessed fees, the fee could range from as low as \$50 per hearing to full cost as shown on the schedule above, based on your ability to pay.

The Financial Declaration/Subsequent Financial Declaration form (JV-2020) is available free of charge at our 201 North First, Street Clerk's Office. For further information and office hours please call (408) 491-4711 and ask for the Dependency Clerk's Office or visit our website at www.scscourt.org.