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County Eye Newsletter

A major moving target in the preparation of the county budget each year is the formula for funding three programs designed to help persons in our county who are determined to be indigent.

By law Kerr County must set aside money in the budget to pay for basic medical care for the indigent through the county's indigent health program. Kerr County has a policy that follows all the guidelines set up by the state for providing for county residents who qualify.

Kerr County is one of 140 counties in the state of Texas required by law to have an indigent health program because we have no public tax-supported hospital or clinic to provide basic health care to the county's residents.

Both the indigent health and the indigent defense programs base benefits on the recipient's income and assets using the federal poverty guidelines as a basis. Both programs update annually as the federal guidelines can change.

Factors that determine eligibility for the indigent health program include proving that the person is a permanent county resident. You cannot move into the county for the purpose of qualifying for the indigent health program. You must provide documentation that you have a permanent residence address and provide information on other persons living in the home and include their income.

Additionally you must provide information on employment, recent income tax filings, bank statements, assets, and other required documentation to prove you are truly indigent. In 2016 the indigent health eligibility is based on 21% of the federal poverty guideline which includes both monthly income and no more than \$2,000 in assets.

Guidelines for determining eligibility for indigent defense counsel are much different from indigent health. Kerr, Bandera, Gillespie and Kendall counties all use the same guideline of 125% of the federal poverty guideline, currently just over \$1200 for a single person per month. The policy spells out specific income guidelines based on additional family members.

Persons arrested on Class A&B misdemeanors and all felony charges arising from crimes committed in Kerr County can apply for a court-appointed attorney. Class C misdemeanor cases do not qualify for indigent court-appointed attorneys.

Kerr County does not have a formal indigent defender program as is found in most large counties in Texas. Some counties have actual offices of public defenders with attorneys that only do indigent defense cases. Here, a group of the local defense attorneys accept appointments to represent indigent defendants and the county pays the local attorneys an hourly fee for their representation.

Juvenile defendants also receive court-appointed attorneys for juvenile court proceedings.

Child Protective Services civil cases also sometimes require the appointment of attorneys for indigent participants. The same basic guidelines are used in determining their eligibility. No other civil cases are eligible for indigent representation.

Each year the county budget must include funding for all of these indigent programs plus the county's program which provides funds for the disposition of the remains of Kerr County residents who pass

away and have no resources or family to take responsibility. This program is very limited but it is difficult to predict at the time of the budget preparation how much might be needed.

The only real guideline for how much is needed in the county's proposed budget each year is basing the amount on historical requirements. Sometimes that works, other times it doesn't. There's no reliable way, other than what has been used in previous years, to budget for the indigent programs.

State law requires that up to 8% of the county's annual revenue be set aside to care for persons who qualify for the indigent health program. If the county should reach that level then state funding is available to the county. Kerr County has never spent the 8% and therefore has never needed to rely on state funding for the program.

The indigent defense budget has no percentage guidelines so screening of applicants to be sure they are truly indigent has become very important to provide for the responsible use of the county's tax dollars to guarantee defendants' rights are protected.

Factors that can impact the defense budgets include not only attorney fees but also the costs of investigators or experts who are needed in especially complicated criminal cases. Indigent defendants are guaranteed the right to have those persons involved if determined by the judge.

The adopted policies for indigent health, indigent defense and the pauper burial policy are all available on the county website www.co.kerr.tx.us

All of the costs of these indigent programs are borne totally by the county budget. No funds come from the City of Kerrville or the City of Ingram. The State of Texas provides limited funding for some of the costs but more and more costs of these and other programs are being shifted from the state to local taxing entities.

Kerr County Commissioners' Court will be working diligently in the coming weeks to approve the budget for FY 2016-2017 and set a tax rate to cover those demands. Each year it becomes a bigger and bigger challenge to provide the services needed with the available tax dollars.