



SAN JUAN COUNTY SUPERIOR AND DISTRICT COURTS
POLICY ON APPOINTMENT OF COUNSEL FOR PROTECTION ORDER PETITIONERS

In a civil protection order hearing, the Court may appoint an attorney to represent the petitioner at the County's expense if the respondent is represented by legal counsel, as long as funds are available. RCW 7.105.240. San Juan County has allocated funds to San Juan County Superior and District Courts (the Courts) for this purpose. Because these funds are limited, the Courts will only appoint counsel to petitioners who qualify under this policy.

The petitioner must ask the respective court for an attorney; no attorney will be appointed automatically. The Courts have created a form motion and declaration for this purpose, which is available on each court's website. Petitioners only have the right to request counsel if the respondent to the protection order has hired an attorney. To qualify for appointment of counsel, the petitioner must be "indigent" under General Rule 34. The petitioner is considered indigent if they:

- 1) are represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or
- 2) receive benefits from one or more needs-based, means-tested assistance programs; and/or
- 3) have household income at or below 125% of the federal poverty guideline; and/or
- 4) have household income above 125% of the federal poverty guideline but cannot meet basic household living expenses and pay the fees for an attorney.

To demonstrate eligibility as being indigent, the petitioner must screen with the public defense screener and provide financial information. The screener will file a certification if the petitioner qualifies as indigent, which the petitioner shall attach to their motion to appoint counsel.

If the petitioner qualifies, the Court Administrator for the appropriate court will contact attorneys from the joint Civil Protection Order Counsel Registry (Registry) to determine if an attorney is available. The Registry is maintained by both Superior Court and District Court Administrators. The respective court will appoint the next available attorney without a conflict from the Registry to represent the petitioner.

There may be cases where the petitioner qualifies, but the Courts are not able to locate or appoint an attorney. The Courts reserve the right not to appoint counsel in any case, including when there are insufficient funds or where no attorney is available within a reasonable period of time. RCW 7.105.240.