

Rule 3:10. Assignment of Counsel

Section 1. Definitions. The following definitions apply in this rule:

(a) ~~Anticipated Cost of Counsel—The cost of retaining private counsel for the defense of a felony charge within the jurisdiction of the Superior Court, as estimated and published from time to time by the Committee for Public Counsel Services.~~

~~(b) Available Funds—~~

~~(i) General Definition. funds – A party's liquid assets and disposable net monthly income calculated after provision is made providing for the party's bail obligations.~~

~~(ii) Certain Assets and Income of Party's Household. A party's available funds shall include the liquid assets and disposable net monthly income of the party's spouse (or person in substantially the same relationship) and each of the party's parents, provided, in each instance, any such), provided that person lives in the same residence as the party and contributes substantially toward the household's basic living expenses, unless that other person has an adverse interest in the proceeding (e.g., is the victim, complainant, or petitioning party, is a prospective prosecution witness, or is a party, if it is a civil matter, is a party).~~

~~(iii) Available Funds of a Party over Sixteen Supported by Another. The available funds of any party over the age of sixteen who is substantially supported by a parent or parents or by a guardian, or who continues to be claimed as a dependent for tax purposes, shall include the available funds of that person's parent or parents or guardian, except when that other person has an adverse interest in the proceeding.~~

~~(iv) Available Funds of a Party under Seventeen. The available funds of a party under the age of seventeen (including a child allegedly in need of services and an allegedly delinquent child, as defined in G. L. c. 119, §§ 21 and 52, respectively) shall include available funds of the child's parents or guardian, regardless of their place of residence, except when that other person has an adverse interest in the proceeding.~~

(e) **Basic Living Costs** living costs – The average monthly amount spent for reasonable payments, ~~including loan payments,~~ toward living costs, such as shelter, food, utilities, health care, transportation, clothing, education, child care, alimony

and child support payments, and payments and interest on loans for such living costs.

(c) **Child custody proceeding** – A care and protection proceeding, termination proceeding, adoption case, or guardianship of a minor proceeding;

(d) **Contribution fee** – A fee imposed by a judge pursuant to Section 10 on a party who has been determined to be **indigent but able to contribute**. The **contribution fee** shall include the **indigent counsel fee**, plus an amount that the **party** is able to pay without substantial hardship for the cost of any attorney appointed to represent the **party**.

(e) **Disposable Net Monthly Income** ~~net monthly income~~ – The **income** remaining each month after deducting income taxes, social security and Medicare taxes, ~~contributory~~ ordinary retirement contributions, union dues, and **basic living costs**.

(f) **Income** – Salary, wages, interest, dividends, rental income, and other earnings and regular cash payments, such as amounts received from pensions, annuities, social security, ~~and public assistance programs~~ alimony, and child support. Irregular or infrequent income (e.g., earnings from day labor, seasonal, or on-call work) that a party can reasonably be expected to receive shall count as **income** under this rule. Irregular or infrequent income that cannot reasonably be anticipated to continue shall not count as **income**.

(g) **Indigency verification process** – The attempt by **probation** to verify a claim of indigency, in accordance with G. L. c. 211D, § 2A (c), by a **party** or, where appropriate, a parent or guardian, by accessing wage, tax, and asset information in the possession of the Department of Revenue, information regarding benefits received from the Department of Transitional Assistance, and any information relevant to the determination of indigency in the possession of the Registry of Motor Vehicles.

(h) **Indigent** – A party who is:

(i) receiving one of the following types of public assistance: Transitional Aid to Families with Dependent Children (AFDCTAFDC), Emergency Aid to Elderly, Disabled and Children (EAEDC), poverty related veterans' benefits, ~~food stamps, refugee resettlement benefits, Medicaid, or Supplemental Security Income (Nutrition Assistance Program (SNAP) benefits, Refugee Cash Assistance, or SSI)~~; State Supplemental Program;

(ii) receiving an annual **income**, after taxes, of one hundred twenty-five per cent or less of the ~~then~~ current poverty ~~threshold~~ guidelines referred to in G. L. c. 261, § 27A-(b);

(iii) (1) residing in a tuberculosis treatment center ~~or a public or private, a mental health, mental retardation or long term care facility~~ or a facility for individuals with intellectual or developmental disabilities, including the Bridgewater State Hospital and ~~the~~ Massachusetts Treatment Center;; or (2) the subject of a proceeding in which regarding admission or commitment to such a center or facility is sought, or who is the subject of, a proceeding in which to make a substituted judgment determination concerning treatment, or a civil commitment proceeding under G. L. c. 123, § 35; provided, however, that ~~wherewhen~~ the judge has reason to believe that the **party** is not **indigent**, a determination of indigency shall be made in accordance with Section 45 and other applicable provisions of this rule.~~The provisions of paragraph (b) of Section 1 of this rule notwithstanding, for purposes of such determination "available funds" shall not include the liquid assets; or disposable net monthly income of any member of the party's family;~~

(iv) ~~servin~~g a sentence in child who is the subject of a correctional institution and has no available funds child welfare proceeding or

~~(v) held is in the care or custody in jail and has no available funds~~ of the Department of Children and Families.

(i) **Indigent but Able**able to ~~Contribute~~ contribute – A **party** who:

(i) has an annual **income**, after taxes, of more than one hundred twenty-five per cent and less than two hundred fifty per cent of the ~~then~~ current poverty ~~threshold~~ guidelines referred to in G. L. c. 261, § 27A (b), or

(ii) (1) is charged with a felony solely within the jurisdiction of the Superior Court, is charged as a youthful offender, or is the parent, guardian, or custodian of a child who is the subject of a child custody proceeding;

(2) has an annual income, after taxes, of more than two hundred fifty per cent of the current poverty guidelines referred to in G. L. c. 261, § 27A (b);
and

(3) whose available funds are insufficient to pay the anticipated cost of counsel for the defense of the felony this representation, but are sufficient to pay a portion part of that cost. The anticipated cost of counsel shall be the

cost of retaining private counsel for, as applicable, the defense of a felony charge within the jurisdiction of the Superior Court, or a **child custody proceeding** within the jurisdiction of the Probate and Family Court, as estimated and published from time to time by the Committee for Public Counsel Services; or

(iii) is over the age of eighteen and is claimed as a dependent for tax purposes by a parent or guardian who is not **indigent**.

(j) **Indigent counsel fee** – A fee assessed on a person provided counsel pursuant to G. L. c. 211D, § 2A (f).

(k) **Intake report** – The report provided to the judge by **probation** regarding the **party's** or, where appropriate, the **party's** parents' or guardians', responses to biographical and financial questions asked by **probation**.

(l) **Juvenile legal fee** – The fee assessed on a parent or guardian to pay for the cost of any attorney appointed to represent a party under the age of eighteen. The fee shall not exceed the fee set forth in G. L. c. 119, § 29A.

(m) **Liquid Assets assets** – Cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a motor vehicle or ~~in~~ other tangible property, provided that any equity in real or personal property is reasonably convertible to cash. Any motor vehicle necessary to maintain employment, including travel to and from the **party's** employment, shall not be considered a **liquid asset**. Expenses associated with the liquidation of assets, including penalties for early withdrawal and tax burdens, shall not be included as available funds.

(n) **Party** – ~~A defendant in a criminal proceeding, a juvenile in a delinquency proceeding, and any~~ Any person, including a juvenile, in a civil matter in which ~~who may be entitled to~~ the person has a right to appointment of counsel in relation to any court proceeding on the basis of indigency under the law of the Commonwealth.

(o) **Probation** -- The Office of the Commissioner of Probation or any member of its staff.

Section 2. Advice as to Right to Counsel.

If any **party** to a proceeding ~~in which the law of the Commonwealth or the rules of this court establish a right to be represented by counsel initially~~ appears in **any** court without counsel where the **party** has a right to be represented by counsel under the law of

~~the Commonwealth~~, the judge shall advise the **party**, ~~or if the party is a juvenile or is under guardianship, the party and a parent or legal guardian, where appropriate, that:~~ (a) ~~the law requires that~~ **party** ~~may be entitled to the appointment of~~ counsel ~~be available in the proceeding,~~ at public expense ~~if necessary~~; and (b) ~~if the court finds that the party wants counsel and cannot afford counsel,~~ the Committee for Public Counsel Services will provide counsel to the party at no cost or at a reduced cost. ~~Thereafter, the judge shall make findings as provided in the following sections of this rule. if the court finds that the party wants but cannot afford counsel.~~

Section 3. Waiver of Counsel.

If the **party** ~~knowingly~~ elects to proceed without counsel, the party shall sign a written waiver ~~by the party and a certificate of the judge on the form hereafter provided in this section shall be signed by~~ certify in writing that the party executed the waiver in the judge's presence after the judge informed the **party** and the judge, respectively, and filed with the papers in the case ~~of the right of counsel~~. If the **party** knowingly elects to proceed without counsel but refuses to sign the ~~form hereafter provided~~ written waiver, the judge shall so certify ~~on that form, which shall be filed with the papers in the case~~ in writing.

In proceedings pursuant to G. Before ~~L. c. 111, §§ 94C and 94G, and cc. 123, 123A, and 201, and 123A,~~ prior to allowing a waiver of counsel, the judge, after conducting a colloquy with the party, shall ~~specifically determine whether~~ make written findings that the **party** is competent to waive counsel. ~~Notwithstanding such waiver, if the judge determines that the party is not competent to waive counsel or is otherwise unable effectively to exercise the party's rights at a hearing, the judge shall appoint standby counsel pursuant to Section 6.~~

~~The following waiver form shall be used as provided in this Section:~~

~~COMMONWEALTH OF MASSACHUSETTS~~

~~Docket Nos.~~

~~_____

_____~~

~~DETERMINATION WITH RESPECT TO WAIVER OF RIGHT TO COUNSEL
PURSUANT TO S.J.C. RULE 3:10~~

~~_____ Court Department~~

~~CASE NAME~~

vs.

I. Statement of Party

_____, I, _____ (Name of Party), have been informed of my right to have a lawyer represent me at every stage of the proceedings in this case, and that if I cannot afford to hire my own lawyer, this Court will assign the Committee for Public Counsel Services to provide representation for me. ~~KNOWING THAT I HAVE A RIGHT TO HAVE A LAWYER REPRESENT ME, I NEVERTHELESS ELECT TO PROCEED IN THIS MATTER WITHOUT A LAWYER AND WAIVE MY RIGHT TO SUCH A LAWYER.~~

Printed or Typed Name of
Person Signing

Signature of Party or Parent or Guardian
for Incompetent/Juvenile

Signed this _____ day of _____, 20____.

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II. CERTIFICATE OF JUDGE

_____, I hereby certify that the party named above has been informed, by me, of the right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G. ~~and that the party has knowingly and voluntarily~~ I. e. 211D, § 5; that the party has knowingly elected to proceed without a lawyer and _____ has executed a counsel.

Section 4. Standby Counsel. ~~waiver of counsel in my presence, _____ has refused to sign a waiver~~

(Signature of Judge)
(Printed or Typed Name of
Judge)

(Date) _____

Notwithstanding a **party's** waiver of counsel, where the interests of justice so require the judge may assign standby counsel to assist the **party** in the course of the proceedings regardless of whether the **party** is **indigent**.

Section 5. ~~Section 4.~~ Determination of Indigency Status.

(a) If the judge **party** requests appointment of counsel, or if counsel is appointed under Section 6 or 6A of this rule, or if the judge for any reason finds that the **party** has not knowingly and voluntarily elected to proceed without counsel and the **party** does not arrange to obtain counsel, the judge shall receive a written report and opinion as to indigency from a **probation** officer or other appropriate court employee as provided in Section 8 of this rule. After reviewing the shall provide the judge with an **intake report**. **Probation** shall attempt to verify the self-reported information on the **intake report** and opinion and interrogating through the **indigency verification process**. Except in juvenile and youthful offender cases and cases where a child over eighteen is claimed as a dependent for tax purposes, **probation** shall make a recommendation as to the indigency of the **party**.

In juvenile and youthful offender cases and cases where a child over eighteen is claimed as a dependent for tax purposes, **probation** shall make a recommendation as to the indigency of the parents or guardian.

In Probate and Family Court cases, the Register of Probate shall inform **probation** when counsel has been appointed by the judge. **Probation** shall prepare an **intake report** and undertake Indigency Verification in those cases where it is required by law.

After reviewing the **intake report** and recommendation and questioning the **party**, as appropriate, the judge shall make ~~one of the following three determinations~~ a determination that:

- _____ (i) the **party** is **indigent**,
- _____ (ii) the **party** is **indigent but able to contribute**, or
- _____ (iii) the **party** is not **indigent**.

The ~~judge~~clerk shall enter ~~findings on the following form, which shall be filed with the papers in the case;~~the judge's determination on the court docket.

~~COMMONWEALTH OF MASSACHUSETTS~~

~~Docket Nos.~~

~~_____
_____~~

~~JUDGE'S DETERMINATION WITH RESPECT TO INDIGENCY
PURSUANT TO S.J.C. RULE 3:10~~

~~_____ Court Department~~

~~CASE NAME~~

~~_____
vs.
_____~~

~~_____ After considering the report and recommendation of the probation officer or other appropriate court employee, and after interrogating the party, if appropriate, based upon the standards in Supreme Judicial Court Rule 3:10, I FIND THAT THE PARTY IS:~~

~~_____ I. _____ **INDIGENT** because the (b) In order to determine a **party's** current financial status, the judge shall evaluate (1) the **party's income** in the current calendar quarter (*i.e.*, January-March, April-June, July-September, October-December), and (2) the **party's income** in the three preceding calendar quarters.~~

~~(c) Any **party** seeking appointment of counsel shall bear the burden of proving indigency by a preponderance of the evidence.~~

~~(d) Even where a **party**:~~

~~_____ receives Aid to Families with Dependent Children (AFDC).~~

~~_____ receives Emergency Aid meets or fails to Elderly, Disabled and Children (EAEDC).~~

~~_____ receives poverty related veterans' benefits.
_____ receives food stamps.
_____ receives refugee resettlement benefits.
_____ receives Medicaid.
_____ receives Supplemental Security Income (SSI).
_____ is a patient in a mental health facility or treatment center (or is the subject of a proceeding for admission to such a facility) and lacks available funds.
_____ is serving a sentence in a correctional institution and has no available funds.
_____ is held in custody in a jail and has no available funds.
_____ has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G. meet the definitions of "L. e. 261, § 27A (b)".
_____ is determined to be **indigent** pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].~~

~~_____ II. _____ **INDIGENT BUT ABLE TO CONTRIBUTE** and is therefore ordered to pay \$_____ toward the cost of counsel because the party:~~

~~_____ has an annual income, after taxes, of more than 125% and less than 250% of the current poverty threshold referred to in G." or "L. e. 261, § 27A (b)".
_____ is charged with a felony within the jurisdiction of the Superior Court and has available funds sufficient to pay a portion of the anticipated cost of counsel.
_____ is determined to be **indigent but able to contribute** pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].~~

~~III. _____ **NOT INDIGENT** and is able to pay the cost of counsel. [Judge's findings on the record are appended if this finding is pursuant to S.J.C. Rule 3:10, Section 4(b)].~~

Date

Signature of Judge

~~(b) — In making the determination called for by this Section, the judge shall apply the definitions of indigent and indigent but able to contribute set forth in Section 1 of this rule. Notwithstanding the determination that the application of those definitions indicates, a judge nevertheless may place a party in either of the other categories described in Section 4(a), based on a consideration of the, " the judge retains the discretion to determine~~

that the interests of justice require a different determination based on the party's available funds in relation to the party's party's basic living costs, or based on special circumstances, or both, provided that. Where a judge exercises this discretion, the judge ~~sets~~shall set forth in findings on the record the reason for doing so.

Section ~~5~~6. Assignment of Counsel/Notice of Assignment.

If under Section ~~4 of this rule~~5 the judge finds that a **party** is ~~in category (i) or (ii) of Section 4(a),~~indigent or indigent but able to contribute, the judge shall assign the Committee for Public Counsel Services to provide representation for the **party**, unless exceptional circumstances, supported by written findings, necessitate ~~use of a~~ different procedure that is consistent with G. L. c. 211D and the rules of ~~this court.~~the Supreme Judicial Court. The ~~court~~ clerk or register shall promptly complete and transmit to the party a Notice of Assignment of Counsel Form, provided by the Committee for Public Counsel Services ~~with the approval of this court, to the party,~~ and shall file a copy within the ~~papers in~~official file of the case.

If a judge has determined that a party is not indigent, and the party after a reasonable time has not waived counsel, procured counsel, or petitioned for the appointment of counsel on the ground that, despite reasonable efforts, the party has been unable to afford the cost of counsel, the case may be ordered to proceed without appointed counsel.

In proceedings pursuant to G. L. c. 111, §§ 94C and 94G, ~~and~~ cc. 123, 123A, and ~~201~~190B, the judge shall appoint counsel immediately upon the filing of a petition. If, ~~prior to~~before the ~~commencement of a~~ hearing ~~in such proceedings~~, the judge determines that the **party** is not **indigent**, assigned counsel may be dismissed, and, ~~if so~~, the **party** shall be advised to retain private counsel without delay; provided, however, that ~~if the interests of justice so require in such proceedings,~~ the judge shall authorize the continued services of appointed counsel at public expense ~~where the interests of justice so require~~. The interests of justice may require such appointment if, for example, the **party** is incompetent to obtain counsel, ~~incapable of~~ obtaining ~~unable to~~ access ~~to~~ funds, or ~~incapable of locating or contracting~~ unable to locate or contract with a lawyer. If, ~~subsequent to~~after the ~~commencement of a~~ hearing ~~in such proceedings~~ has commenced, the judge determines that the **party** is not **indigent**, ~~assigned~~appointed counsel shall continue to represent the **party** and the judge may order the party ~~may be ordered~~ to reimburse the Commonwealth ~~therefor~~for the cost of counsel.

~~If under Section 4 of this rule a judge has found that a party is not indigent, but after a reasonable time the party has not waived counsel, procured counsel, or seasonably petitioned the court for the appointment of counsel on the basis that, after a reasonable effort, the party has been unable to retain counsel because of financial reasons, then the case may be ordered to proceed.~~

~~Section 6.~~ Section 6A. Assignment of Counsel for Juveniles.

All juveniles, regardless of the financial status of their parents or guardians, shall be entitled to the appointment of counsel. Unless the juvenile is represented by retained private counsel, the judge shall assign the Committee for Public Counsel Services to represent the juvenile in accordance with Section 6. If the juvenile is provided with appointed counsel and the judge determines that the juvenile's parent or legal guardian is not **indigent**, the judge shall assess the **juvenile legal fee** against the parent or guardian as payment toward the cost of counsel supplied by the Committee for Public Counsel Services. If the parent or guardian is determined to be **indigent but able to contribute**, the court shall order the parent or guardian to pay a reasonable amount toward the cost of appointed counsel, provided that the amount shall not exceed the **juvenile legal fee** and shall not cause substantial financial hardship. This section shall not apply to a parent or guardian who has had custody of the juvenile removed by a court of competent jurisdiction, or who has an interest adverse to the juvenile. The failure of a juvenile's parent or guardian to pay any fee assessed under this Section shall not be grounds for withholding or revoking the juvenile's appointed counsel.

~~**Standby Counsel.** Notwithstanding a party's waiver of counsel, the judge may assign counsel in accordance with this rule to be available to assist the party in the course of the proceedings.~~

Section 7. Review of Indigency Determination.

(a) ~~A party's~~ The judge may review indigency status ~~may be reviewed~~ at any stage of a ~~court~~ proceeding if information regarding a change in financial circumstances becomes available to ~~a probation officer or other appropriate court employee~~, through the ~~court's~~ **indigency verification system, process** or from some other source, including the **party**.

~~(b) — A party has the right to reconsideration in a formal hearing of the findings and conclusion as to the party's entitlement to assigned counsel.~~

~~**Section 8. Report by Probation Officer or Other Appropriate Court Employee.** The probation officer or other appropriate court employee shall provide~~

~~to the judge a written report and opinion as to indigency on a form prescribed by this court based on information obtained from the party and subject to a verification system established by the Chief Justice for Administration and Management of the Trial Court. The form shall include information necessary to provide a basis for making a determination with respect to indigency as provided in this rule.~~

~~**Section 9.** (b) There shall be a right to an evidentiary hearing to reconsider the judge's findings and determination as to the **party's** entitlement to appointed counsel. The judge shall schedule the evidentiary hearing promptly after it is requested. If requested by the **party**, the judge shall appoint counsel to represent the **party** at the evidentiary hearing. Before the hearing, the judge shall provide the **party** with a copy of **probation's intake report** and recommendation described in Section 5 (a) and any records the court possesses relating to the **party's** financial status. The judge may issue any protective orders needed to protect the privacy of the party or any third parties. The **party** shall have the opportunity to introduce any relevant evidence and to call witnesses to testify. The **party** shall bear the burden of proving indigency by a preponderance of the evidence. At the conclusion of the hearing, the judge shall make written findings regarding whether the **party** is entitled to appointed counsel. These findings shall be part of the case record and maintained in the official file of the case.~~

~~**Section 8.** Inadmissibility of Information Obtained ~~From~~from a ~~Party.~~ **party.**~~

~~(a) No information provided by a **party** pursuant to this rule may be used in any ~~criminal or civil~~ proceeding against the **party** except in a prosecution for perjury or contempt committed in providing such information; or at an evidentiary hearing conducted under Section 7 (b).~~

~~(b) No **party** shall be asked or required to provide any information regarding his or her immigration or citizenship status as part of intake, indigency determination, or verification.~~

~~Section **109.** Counsel for ~~Parties Indigent and Indigent~~**parties who are indigent or indigent** but ~~Able~~able to ~~Contribute~~contribute.~~

(a) Appearance of Counsel. Counsel assigned by the Committee for Public Counsel Services to represent a **party** pursuant to this rule shall file an appearance ~~in the case~~ within forty-eight hours after receipt of notification of the assignment.

(b) Withdrawal of Appearance. If counsel assigned by the Committee for Public Counsel Services, ~~who~~ has filed an appearance, and is unable or unwilling to

represent a **party**, ~~he~~counsel shall move to withdraw ~~his~~the appearance. If the judge ~~consents to~~allows the motion for withdrawal, the ~~court~~ clerk or register shall immediately notify the Committee for Public Counsel Services to make a new assignment of counsel.

~~(e)~~ Section 10. Contribution toward Cost of Counsel Costs.

~~(i) While determined to be a~~ (i) If a judge determines that a **party** is **indigent**, a ~~party~~the judge may not ~~be ordered, required~~order, require, or solicit ~~solicit the party~~ to make any payment toward the cost of counsel, except for an ~~order entered pursuant to~~indigent counsel fee. The indigent counsel fee shall be waived where a judge, after the indigency verification process, determines that the party is unable without substantial financial hardship to pay the indigent counsel fee within 180 days. Where the indigent counsel fee is not waived, the judge may authorize the party to perform community service in lieu of payment of the indigent counsel fee in accordance with G. L. c. 211D, § 2A (g).

~~(ii)~~ (ii) If a judge determines that a **party** is ~~determined to be~~ **indigent but able to contribute**, the judge shall order the **party** to pay a ~~reasonable amount to the probation officer or other appropriate court employee toward the cost of counsel in addition to assessing a legal counsel fee as provided in G.~~ **contribution fee** based on the financial circumstances of the **party**, provided that the amount of the fee shall not cause substantial financial hardship. The party shall be given an opportunity to be heard and to present information, including witnesses, regarding whether the contribution fee would cause substantial financial hardship.

~~(c)~~ (c) If a **party** over the age of eighteen is determined to be **indigent but able** ~~L. c. 211D, § 2A. The amount ordered to be paid~~ **contribute** under Section 1 (h) (iii) because the **party** is claimed as a dependent for tax purposes by a parent or guardian who is not **indigent**, the **contribution fee** shall be based on the financial circumstances of the ~~party~~ parent or guardian. The parent or guardian shall be solely responsible for paying any contribution fee assessed under this subsection.

~~(iii)~~ Section 11. Collection of Fees and Contributions.

(a) All ~~funds received as payment~~ payments toward the cost of counsel, including amounts received pursuant to G. L. c. 211D, § 2A, the indigent counsel fee, the contribution fee, and the juvenile legal fee, shall be made to the office of the clerk of court and shall be deposited with the State Treasurer in accordance with law.

(b) The Clerk shall inform the judge at each court event for a case whether the party has failed to pay an **indigent counsel fee** or **contribution fee**. If the party has failed to pay an **indigent counsel fee** or **contribution fee** within sixty days of appointment of counsel, the Clerk, unless otherwise ordered by the judge, shall report the unpaid amount to the Department of Revenue, the Department of Transitional Assistance, and the Registry of Motor Vehicles as required by G. L. c. 211D, § 2A.

(c) The failure of a party, parent, or guardian to pay an **indigent counsel fee**, a **contribution fee**, or a **juvenile legal fee** shall not be grounds for withholding or revoking appointed counsel.

(d) Probation shall not be responsible for monitoring or enforcing payment of any **indigent counsel fee**, **contribution fee**, or **juvenile legal fee**.

(e) No party may be subject to incarceration for failing to pay an **indigent counsel fee** or a **contribution fee**.