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Rural Public Defender Startup Grant

Background

The Budget Act of 2026 (AB 109) appropriated $5 million for start-up and implementation costs of establishing an institutional public defender office, a regional public defender office, or a county-run structured, managed assigned counsel system in four counties - Del Norte, Mariposa, Mono, and San Benito. The appropriation includes two funding components: 1) direct formula grants and 2) a competitive grant for further defense improvements.

The first funding component provides formula grants to Del Norte ($897,945), Mariposa ($700,000), Mono ($700,000), and San Benito ($1,702,055). These funds may only be used for the allowable purposes listed in section four of the funding provisions and listed below. Funding is contingent on participating counties providing a proposal and budget that complies with the purpose and allowable uses of the funds, and the proposal and budget must be approved by the Office of the State Public Defender (OSPD).

OSPD will serve as a collaborative partner offering technical assistance and consultation during this process and throughout the grant period.

The second funding component is a competitive grant opportunity available to the four participating counties. The total funding for the competitive portion is $1 million, and the goal is to incentivize special projects or deeper expansion of the public defense organizations. Applications for this competitive funding opportunity will open in October 2027.[1] A separate RFA and application will be published for that grant process.

Purpose

This grant program supports improving indigent defense systems by providing startup and implementation funds for establishing an institutional public defender office, developing a regional public defender office, or creating a county-run, structured, managed assigned counsel (MAC) system.

[1] All dates are good faith estimates and may be adjusted at OSPD discretion with notice to the participating counties.

In the first phase, each participating county may apply for up to the full amount permitted by the formula grant. Indirect costs shall not exceed 10% of the overall budget proposal request and must be used to support the purpose of the grant.

Allowable uses for the funding include**:**

- Personnel costs for a Chief Public Defender, an experienced Defense Attorney Administrator, attorneys, investigators, social workers, administrative professionals, or other necessary staff;
- Contracting with an established institutional public defender office in a nearby county to establish a regional public defender office;
- Professional development, including training, memberships in professional associations, and conference attendance for indigent defense attorneys;
- Equipment, furnishings, and supplies necessary for the delivery of indigent defense services;
- Tools, including case management systems, online legal databases, and other technology that supports efficient administration or client representation; and
- Other reasonable planning and implementation costs directly related to improving the provision of indigent defense as approved by OSPD.

Counties are encouraged to discuss proposed expenditures with OSPD during the planning process to ensure they comply with the above requirements.

Eligible Indigent Defense Structures

The grant program requires the establishment of certain indigent defense structures. For purposes of this grant, the definitional elements to those structures are as follows:

Institutional Public Defender Office

- A county department established pursuant to Government Code § 27700 to provide public defense services under the leadership of a Chief Public Defender.
- A sustainable county budget allocation sufficient to support personnel, facilities, technology, equipment, attorney training, and resources necessary to modern defense practice, including access to investigators, social workers, and other ancillary defense supports.
- An administrative and supervisory structure that incorporates data collection, performance standards, ongoing training requirements, and mechanisms for monitoring caseloads to ensure the provision of quality of representation.

Managed Assigned Counsel (MAC) System

- A county-led Managed Assigned Counsel (MAC) system consistent with the *California Standards for Panel and Contract Defense Systems* includes:
    - Leadership by an experienced Defense Attorney Administrator employed by the county to coordinate indigent defense services, assign cases, and ensure quality representation through attorney oversight.
    - Representation provided by a panel of qualified attorneys compensated at a rate that reflects actual workload, subject to training requirements, practice standards, and ongoing evaluation.
    - Access to investigators, social workers, and other ancillary defense supports critical to modern defense practice.
    - Data collection tracking caseloads, attorney efforts, and case outcomes to inform attorney evaluation and panel policy.

Regional Systems: Public Defender Office or MACs[2]

- Two or more counties partnering for the provision of public defense services through a shared structure consistent with the principles outlined above.

Counties are expected to select a public defense system that works for their unique local needs, consistent with the key tenets above.

Proposal Requirements

Each participating county will submit a grant proposal describing the indigent defense structure it will implement and how it intends to use the formula grant for startup and implementation. Proposals must demonstrate how the proposed system and budget align with the purpose, allowable uses, and critical components of the eligible indigent defense structures under the grant.

The proposal will include:

- Completed survey on the county's existing (pre-grant) indigent defense delivery model (link to survey will be provided in the grant proposal form).
- Description of the indigent defense structure to be created including a narrative describing key personnel and roles, implementation strategy, and anticipated timeline.
- Data collection and sustainability plan.

[2] For more information, see OSPD's Regional Public Defender Offices Information Sheet.

- Proposal Budget: three-year budget for use of the formula grant funds over the grant period (December 2026 – November 2029).
- Prior Year Budgets: County indigent defense budgets for fiscal years 2025-2026 and 2026-2027.
- Next FY Budget: Projected county indigent defense budget for fiscal year 2027-2028 incorporating grant funds into county-wide indigent defense spending.
- Completed *Fi$Cal Government Agency Taxpayer ID Form*.

OSPD Technical Assistance and Support

Each participating county must meet with OSPD for at least one individualized, hour-long planning sessions prior to submitting their individual implementation proposal. This meeting should be attended by the county's implementation plan lead, as well as any relevant county department heads (e.g. county counsel). At this meeting, the county can ask questions, receive guidance on grant-eligible indigent defense structures, and clarify allowable uses of grant funds. Beyond the mandatory meeting, OSPD remains available to all participating counties for additional consultation as they prepare their implementation proposal.

During the grant period, individual county grantees will meet quarterly with OSPD for technical assistance and support. In addition, OSPD will convene an annual meeting of all grantees. Most, if not all, of these meetings are expected to be held virtually. Meeting frequency and schedules are subject to change.

Prohibition on Supplanting

Funding provided pursuant to this appropriation must supplement, and may not supplant, existing county funding for indigent defense services.

Supplanting is the intentional reduction in the amount of federal, state, or local funds appropriated to an existing program or activity because grant funds have been awarded for the same purposes. Each county is responsible for ensuring that grant funds are only used for approved project activities and that supplanting does not occur. Counties must maintain sufficient financial records to demonstrate compliance with this requirement and show the appropriate use of grant funds.

Decision-Making Authority

OSPD is responsible for administering the Rural Public Defender Startup Grant and has the sole discretion to approve or deny all grant proposals. OSPD will work collaboratively with participating counties during the planning process and may request additional information or revisions before approving a proposal as consistent with allowable uses.

OSPD retains control of unallocated or unclaimed funds and reserves the right to reallocate and distribute the unused remaining funds as permitted by the Legislature.

Reporting Requirements & Data Collection

Throughout the grant period, participating counties will provide semi-annual reports on use of grant monies, implementation progress, and system efficacy. The specific data collection metrics are still in development and will be shared with grantees before the start of the grant period. The metrics will be designed to capture:

- Funds spent, staff hired, progress on proposed systemic changes.
- Data points relevant to alignment with the *California Standards for Panel and Contract Defense Systems* for MAC systems or national best practices for institutional public defender offices.
- Data on caseloads, attorney efforts, and case outcomes.

OSPD will collect and synthesize data for reporting and evaluation purposes. This data will be shared back with grantees as well as with policy makers at the conclusion of the grant period.

Timeline

This is a three-year grant. The timeline below identifies anticipated project milestones for planning, disbursement of funds, implementation, and the competitive funding opportunity. Relevant dates within the signed grant agreements will supersede any dates listed here.

Formula Grant

Item	Date
RFA released	August 12, 2026
Formula grant proposals due	October 15, 2026
Formula grant proposals awarded	November 15, 2026
Grant period begins	December 1, 2026
Report # 1	May 15, 2027
Report # 2	November 15, 2027
2nd formula grant disbursement (50% of award dollars)	December 15, 2027
Report # 3[3]	May 15, 2028
Report # 4	November 15, 2028
Report # 5	May 15, 2029
Grant term ends	November 30, 2029

[3] Reports 3-6 include reporting on both the direct grant funds and any competitive grant funds awarded to a participating county.

Report # 6 (final)	January 15, 2030

Competitive Grant

Item	**Date**
Competitive grant RFP released	October 15, 2027
Competitive grant proposals due	December 15, 2027
Competitive grant funds awarded	February 15, 2028

Questions

OSPD encourages participating counties to contact us at ***ospd.grant@ospd.ca.gov*** throughout the planning and implementation process with questions about project development, allowable use of funds, reporting, or any other aspect of the Rural Public Defender Startup Grant.

We look forward to working collaboratively with each participating county to support the successful planning and implementation of meaningful improvements to their local indigent defense systems.