

POLICY DIRECTIVE 80-05 (2nd REVISION)

TO: ALL JUSTICES OF THE PEACE

FROM: BONITA N. LEE
ACTING CHIEF MAGISTRATE

RE: REVISED INFORMA PAUPERIS FINANCIAL ELIGIBILITY
GUIDELINES

DATE: APRIL 22, 2005

Attached are the revised Financial Eligibility Guidelines for *in forma pauperis* applications. Please remove and discard former Policy Directive 80-05 (Revision to Supplement) dated April 12, 2004 and replace it with the revised guidelines.

When *in forma pauperis* applicants have both income and assets at or below the following guidelines (or at or below 125% of the poverty level as published in the Code of Federal Regulations)¹, their applications should be approved. At income or asset levels above those shown, you may use your discretion in granting all or part of the application, if the applicant has unusual necessary expenses.

¹ It is the intent of this Policy Directive that the Justice of the Peace Court use 125% of the Federal poverty level for purposes of determining income eligibility for *in forma pauperis* applications. Therefore, if a litigant or an attorney furnishes you with a more recent determination of 125% of the Federal poverty level from the Code of Federal Regulations, you should consider those figures to supersede the guidelines in this Policy Directive.

FINANCIAL ELIGIBILITY GUIDELINES

45 C.F.R. PART 1611

In order to be financially eligible,
applicant must have an income equal to, or less than amounts below.

125% OF POVERTY LEVEL

#	ANNUALLY	MONTHLY	BI-WEEKLY	WEEKLY
1	\$11,963.00	\$996.92	\$460.12	\$230.06
2	\$16,038.00	\$1,336.50	\$616.85	\$308.42
3	\$20,113.00	\$1,676.08	\$773.58	\$386.79
4	\$24,188.00	\$2,015.67	\$930.31	\$465.15
5	\$28,263.00	\$2,355.25	\$1,087.04	\$543.52
6	\$32,338.00	\$2,694.83	\$1,243.77	\$621.88
7	\$36,413.00	\$3,034.42	\$1,400.50	\$700.25
8	\$40,488.00	\$3,374.00	\$1,557.23	\$778.62

(For families with more than eight members, add \$4,075 for each additional person.)

Effective as of this March 3, 2005, the income guidelines shall be those listed on the attached charts. The factors listed in 45 C.F.R. § 1611.5(b)(1) shall be utilized in determining whether an individual is eligible for services when their income is over the maximum income level (125% of the current official Federal Poverty Guidelines) or asset guidelines.

The maximum allowable assets shall be:

- (a) \$4,000 in assets for one person
- (b) \$6,000 in assets for two persons
- (c) \$1,000 in assets for each additional person.

In determining the above amounts, the following shall be excluded:

- (a) principal residence and surrounding land
- (b) reasonable equity value in work-related equipment which is essential to the employment or self-employment of an individual
- (c) motor vehicles with equity values of up to \$8,000
- (d) household goods
- (e) personal belongings with a fair market value of less than \$8,000
- (f) life insurance with a maximum cash surrender value of \$5,000
- (g) pension funds
- (h) burial plots.

BNL/mlh

cc: Honorable Myron Steele
Honorable James Vaughn
Honorable Alex J. Smalls
Honorable Chandler Johnson Kuhn
Thomas W. Nagle
Anna A. Lewis
H. John Betts
Kathleen Bates
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