



STATE OF DELAWARE  
**THE JUSTICE OF THE PEACE COURT**


5 E. PINE STREET  
GEORGETOWN, DELAWARE 19947  
TELEPHONE: (302) 856-5871  
FAX: (302) 856-5919

2 PENNS WAY  
SUITE 100 B  
NEW CASTLE, DELAWARE 19720  
TELEPHONE: (302) 323-4530

ALAN G. DAVIS  
CHIEF MAGISTRATE

**POLICY DIRECTIVE 80-05 (3<sup>rd</sup> Revision)**

**TO: ALL JUSTICE OF THE PEACE COURT EMPLOYEES**

**FROM: ALAN G. DAVIS**   
**CHIEF MAGISTRATE**

**DATE: JULY 2, 2024**

**RE: *In Forma Pauperis* Financial Eligibility Guidelines**

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This Policy Directive addresses the financial eligibility guidelines for *in forma pauperis* applications. A party wishing to initiate, pursue, or defend a civil action in the Justice of the Peace Court may request permission to proceed without payment of fees and costs by submitting an *in forma pauperis* application. Pursuant to Justice of the Peace Court Civil Rule 112, an applicant who fits within the Court's financial eligibility guidelines should be deemed financially eligible to have all costs and fees waived. The Justice of the Peace Court uses the financial eligibility guidelines published by the U.S. Department of Health and Human Services at 45 C.F.R. § 1611, and updated annually. Specifically, the Justice of the Peace Court uses 125% of the federal poverty level for determining income eligibility and whether to grant an *in forma pauperis* application.

This policy directive contains the financial eligibility guidelines for 2024. For subsequent years, individuals should refer to the guidelines and link to the Code of Federal Regulations on the Court's website. The Court will also post the guidelines and link to the Code of Federal Regulations the Court's intranet for judges, in lieu of issuing a written policy update each year. Additionally, Policy Directive 80-05 (Revised), dated July 19, 2016, and 80-05 (2<sup>nd</sup> Rev.) are rescinded, and replaced with these guidelines.

The 2024 financial eligibility guidelines are listed in the following table. 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), their

applications should be approved. At income or asset levels above those shown, judges may use discretion in granting all or part of the application, if the applicant has unusual necessary expenses.

**FINANCIAL ELIGIBILITY GUIDELINES**  
45 C.F.R. PART 1611

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	\$18,825	\$1,569	\$724	\$362
2	\$25,550	\$2,129	\$983	\$491
3	\$32,275	\$2,690	\$1,241	\$621
4	\$39,000	\$3,250	\$1,500	\$750
5	\$45,725	\$3,810	\$1,759	\$879
6	\$52,450	\$4,371	\$2,017	\$1,009
7	\$59,175	\$4,931	\$2,276	\$1,138
8	\$65,900	\$5,492	\$2,535	\$1,267

(For families with more than eight members, add \$6,275 for each additional person.)

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The maximum allowable assets shall be:

- (a) \$5,000 in assets for one person
- (b) \$8,000 in assets for two persons
- (c) \$1,500 in assets for each additional person.

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

- (a) principal residence and surrounding land
- (b) assets used in producing income
- (c) motor vehicles used for transportation
- (d) household goods
- (e) personal belongings with a fair market value of less than \$25,000
- (f) pension or retirement plan funds including all such plans defined by 10 Del. C. §4915
- (g) burial plots

cc: Honorable Collins J. Seitz, Jr.  
Honorable Kathaleen S. McCormick  
Honorable Jan R. Jurden  
Honorable Carl C. Danberg  
Honorable Michael K. Newell  
Gayle P. Lafferty, State Court Administrator  
All Justice of the Peace Courts  
Alderman Courts  
Elizabeth Petrick, Justice of the Court Administrator  
Stephanie Parker, Justice of the Peace Court Deputy Administrator  
Rebecca Trifillis, Esquire, Justice of the Peace Court Staff Attorney  
Roger Roof, Operations Manager  
Jacquetta Livingston, Operations Manager  
Orlando Harper, Chief of Uniformed Services  
Law Libraries: New Castle County, Kent County, Sussex County  
Widener University School of Law