

## Basic Procedure for the Filing and Scheduling of Indigent Petitions

All persons have a right to file a petition and to determine if they are indigent and, therefore should be allowed to proceed without the requirement of paying surety (filing fees). In order to have a uniform response to this at Juvenile Court the following procedures are being proposed.

- Person requesting to file a petition as a pauper shall be allowed to file their petition and shall be given an oath of poverty (see attached) and an affidavit of indigency to be completed. The party will also be given instructions as outlined below.
- The affidavit of indigency (see attached) must be completely filled out with no blanks. N/A is not an appropriate response. All questions must be answered.
- The party claiming poverty must provide documented proof of their income if they are employed or receive public benefits. These include
  - Copies of their three most recent paycheck stubs.
  - Documentation showing the amount of any public assistance they receive.
  - If disabled, documentation of their disability benefits.
- If they claim they are unemployed and have no income they must complete the attached "affidavit of support" (see attached) explaining how they maintain themselves.
- If they claim they are self employed they must complete an "affidavit of self employment" (see attached)
- Upon completion of the affidavit(s) and submitting the accompanying documents the matter shall be delivered to the appropriate judicial officer who shall review the affidavit and documents in due course.
- The filing party shall be advised to check back with the Juvenile Court Clerk within 10 days. If the file has not been returned in those 10 days they shall be advised to return in another 10 days and so on until the file has been reviewed and returned.
- The judicial officer shall either approve or disapprove the request to file as a pauper and shall return the file to the clerk's office. If approved the clerk shall docket the matter and forward it for service of process.
- If the judicial officer disapproves the request the filing party may file a motion (see attached) for a hearing before the judicial officer. If the filing party does not want to file a motion they shall be required to pay the filing fee. If the filing party does not pay the filing fee within 30 days of the approval the petition shall be summarily dismissed by the clerk (form order shall be submitted to the judicial officer. See attached) and the court cost assessed to the filing party.

# Client Income Eligibility Standards updated for 2013

Thursday, January 31, 2013

Each year, LSC publishes Appendix A to 45 CFR Part 1611, which provides client income-eligibility standards based on the Department of Health and Human Services' (DHHS) most recent federal poverty guidelines. On January 24, 2013, DHHS released the 2013 federal poverty data, and we are revising our regulations to reflect the new information. This update to our regulations is ministerial in nature and does not reflect new policy.

The chart below reflects the most recent guidelines. The information is also published in the Federal Register.

## Appendix A to Part 1611-- Income Level for Individuals Eligible for Assistance

### Legal Services Corporation 2013 Income Guidelines

The figures in this table represent 125% of the poverty guidelines by household size as determined by the Department of Health and Human Services.

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	\$ 14,363	\$ 17,938	\$ 16,538
2	\$ 19,388	\$ 24,225	\$ 22,313
3	\$ 24,413	\$ 30,513	\$ 28,088
4	\$ 29,438	\$ 36,800	\$ 33,863
5	\$ 34,463	\$ 43,088	\$ 39,638
6	\$ 39,488	\$ 49,375	\$ 45,413
7	\$ 44,513	\$ 55,663	\$ 51,188
8	\$ 49,538	\$ 61,950	\$ 56,963
For each additional member of the household in excess of 8, add:	\$ 5,025	\$ 6,288	\$ 5,775

### Reference Chart - 200% of DHHS Federal Poverty Guidelines

## INSTRUCTIONS FOR FILING A PETITION UNDER A PAUPER'S OATH

You have requested to file your petition with the Juvenile Court as under a pauper's oath. This means that you have stated to the court that you cannot afford to pay the filing fee in this matter and are requesting that it be waived due to your indigency. The waiver of a filing fee does not mean that you will not be charged with court costs at the end of the proceeding.

You have a right to file your petition, however, a judge must first determine if you qualify to proceed with your case under a pauper's oath. If the court determines that you are indigent then you can proceed under your pauper's oath without paying the filing fee. If you are determined not to be indigent you will be required to pay the fee before your case is processed. You also have the right to file a request for a hearing if the court determines that you are not indigent based on the paperwork you file.

In order to proceed with your petition you must first complete the **AFFIDAVIT OF INDIGENCY**. Further you must provide the court with certain documents.

Please read the following and determine which applies to you. More than one category might apply. Then complete the appropriate forms and provide the required documents to the Juvenile Court Clerk.

- **IF YOU ARE EMPLOYED** – If you are employed you must provide the court with your three (3) most recent paycheck stubs or other evidence from your employer showing your pay for these three periods.
- **IF YOU RECEIVED GOVERNMENT ASSISTANCE** – You must provide documentation of the current amount of assistance you receive.
- **IF YOU ARE DISABLED AND RECEIVE DISABILITY** – You must provide proof of the current amount of your benefits.
- **IF YOU ARE SELF EMPLOYED** – You must complete the **AFFIDAVIT OF SELF EMPLOYMENT**
- **IF YOU HAVE NO INCOME OR YOUR INCOME IS INSUFFICIENT TO SUPPORT YOUR SELF AND YOU RELY ON OTHERS FOR YOUR SUPPORT** – You must complete the **AFFIDAVIT OF SUPPORT**.

**PLEASE BE ADVISED** You must completely fill out each form with correct information. "N/A" is not a correct response. If the answer is "0" or "none" write that. If you do not complete the required forms or leave blanks or incomplete responses your request might be denied.

Your request will be reviewed by a usually within 10 days. ***It is your responsibility to follow up with the Clerk of the Court to see if your request has been approved.*** If approved your petition will be processed and you will be given a court date. If it is denied you must pay the filing fee before your petition will be processed. If your request is denied you have the right to request a hearing before the judge. If your request is denied and you do not pay the filing fee within 30 days of the determination your petition will be dismissed and you will be taxed with court costs.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

\_\_\_\_\_  
Petitioner,

Petition No: \_\_\_\_\_

vs.

File No: \_\_\_\_\_

\_\_\_\_\_  
Respondent

TCSSES No: \_\_\_\_\_

OATH OF POVERTY

I, \_\_\_\_\_, do solemnly swear under penalties of perjury, that owing to my poverty, I am not able to bear the expense of the action which I am about to commence, and that I am justly entitled to the relief sought, to the best of my belief.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk / Deputy Clerk

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

\_\_\_\_\_  
Petitioner  
Vs. File No: \_\_\_\_\_  
\_\_\_\_\_  
Respondent Docket No: \_\_\_\_\_  
TCSSES No: \_\_\_\_\_

AFFIDAVIT OF INDIGENCY

I, \_\_\_\_\_ (your name), having been duly sworn according to law, make oath that because of my poverty, I am unable to bear the expenses of this case and that I am justly entitled to the relief sought to the best of my belief. The following facts support my poverty.

- 1. Full Name: \_\_\_\_\_
- 2. Address: \_\_\_\_\_
- 3. Telephone/Pager Numbers: \_\_\_\_\_
- 4. Date of Birth: \_\_\_\_\_
- 5. Names and Ages of all Dependents:

_____	Relationship _____	Age _____
_____	Relationship _____	Age _____
_____	Relationship _____	Age _____
_____	Relationship _____	Age _____
_____	Relationship _____	Age _____

- 6. I am Employed by: \_\_\_\_\_  
My Employer's address is: \_\_\_\_\_  
My Employer's phone number is: \_\_\_\_\_

- 7. My present net income, after federal income and social security taxes are deducted, Is : \_\_\_\_\_ per week, two weeks, semi-monthly, monthly, **(circle one of the above that matches your pay period).**

- 8. My present gross income before any deductions Is : \_\_\_\_\_ per week, two weeks, semi-monthly, monthly, **(circle one of the above that matches your pay period).**

- 9. I receive or expect to receive money from the following sources:  
AFDC \$ \_\_\_\_\_ per month beginning \_\_\_\_\_  
SSI \$ \_\_\_\_\_ per month beginning \_\_\_\_\_  
Retirement \$ \_\_\_\_\_ per month beginning \_\_\_\_\_  
Disability \$ \_\_\_\_\_ per month beginning \_\_\_\_\_  
Unemployment \$ \_\_\_\_\_ per month beginning \_\_\_\_\_  
Worker's Comp \$ \_\_\_\_\_ per month beginning \_\_\_\_\_  
Other \$ \_\_\_\_\_ per month beginning \_\_\_\_\_

- 10. My expenses are:  
Rent/House Payment \$ \_\_\_\_\_ per month  
Groceries \$ \_\_\_\_\_ per month  
Electricity \$ \_\_\_\_\_ per month  
Water \$ \_\_\_\_\_ per month  
Gas \$ \_\_\_\_\_ per month  
Transportation \$ \_\_\_\_\_ per month

Medical & Dental     \$ \_\_\_\_\_ per month  
 Telephone             \$ \_\_\_\_\_ per month  
 School Supplies     \$ \_\_\_\_\_ per month  
 Clothing               \$ \_\_\_\_\_ per month  
 Child Care            \$ \_\_\_\_\_ per month  
 Child Support (including this case).  
                               \$ \_\_\_\_\_ per month  
 Other                    \$ \_\_\_\_\_ per month

11. Assets:

Automobile            \$ \_\_\_\_\_ (fair market value)  
 Make/Model \_\_\_\_\_  
 Checking/Savings Accounts  
                               \$ \_\_\_\_\_  
 House                    \$ \_\_\_\_\_ (fair market value)  
 Other                    \$ \_\_\_\_\_

12. My Debts are:

Amount Owed	To Whom
_____	_____
_____	_____
_____	_____

I hereby declare under the penalty of perjury that the foregoing answers are true, correct and complete and that I am financially unable to pay the costs of this action.

\_\_\_\_\_  
 Petitioner/Respondent

**DETERMINATION OF INDIGENT STATUS**

It appears based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Respondent.

is an indigent person and is qualified to file this case on a pauper's oath.

is not an indigent person because \_\_\_\_\_

\_\_\_\_\_ and does not qualify for filing this case on an pauper's oath.

It is so **ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
 JUDGE/MAGISTRATE

NOTICE: If the judge determines that based upon your affidavit you are not eligible to proceed under a pauper's oath, you have the right to a hearing before the judge.

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

\_\_\_\_\_  
Petitioner,  
vs.  
\_\_\_\_\_  
Respondent

Petition No: \_\_\_\_\_  
File No: \_\_\_\_\_  
TCSES No: \_\_\_\_\_

AFFIDAVIT OF SUPPORT

I \_\_\_\_\_ have filed a pauper's oath in this matter. Having been duly sworn according to law, I make oath that I do not make sufficient income to support myself and am supported as outlined below.

My housing is provided as follows;

- I live with the following individual(s) \_\_\_\_\_.  
I contribute on average \$ \_\_\_\_\_ per month to the expenses of this household.
- I am homeless.
- My housing is provided as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My food is provided as follows;

- The individual(s) I live with provide all my food.
- My food is provided as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My transportation is provided as follows;

I  do  do not own a vehicle.

(if you do not own a vehicle ) My transportation is provided as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My clothing is provided as follows; \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby declare under the penalty of perjury that the foregoing answers are true, correct, and complete.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

Sworn to and Subscribed before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk / Deputy Clerk

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

\_\_\_\_\_  
Petitioner,  
vs.  
\_\_\_\_\_  
Respondent

Petition No: \_\_\_\_\_  
File No: \_\_\_\_\_  
TCSES No: \_\_\_\_\_

AFFIDAVIT OF SELF EMPLOYMENT

I \_\_\_\_\_ have filed a pauper's oath in this matter. Having been duly sworn according to law, I make oath that I am self employed and my income from self employment is as outlined below.

My business is (describe your business) \_\_\_\_\_.

I spend on average \_\_\_\_\_ hours per week in my business.

I am paid by my customers based on  per job basis  hourly basis  Other (explain below)

\_\_\_\_\_  
*Fill out the section that applies to the box or boxes you checked above*

**Per Job**

How many jobs to you average per week? \_\_\_\_\_

How much on average do you earn from each job? \_\_\_\_\_

**Hourly**

What is your average hourly rate? \_\_\_\_\_

**Other**

Please explain how you are paid \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How much do you earn per week? \_\_\_\_\_

If you work less than 40 hours a week when was the last time you worked full time? \_\_\_\_\_

If you work less than 40 hours a week describe the efforts to secure full time employment since you last worked full time including number of job applications each week, job fairs you have attended and other assistance you have sought to secure full time employment \_\_\_\_\_

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Do you have any felonies? If so state the crime and date of conviction for each one \_\_\_\_\_

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I hereby declare under the penalty of perjury that the foregoing answers are true, correct, and complete.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

Sworn to and Subscribed before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk / Deputy Clerk