

## 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 inability to pay. 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 **OATH OF POVERTY AND AFFIDAVIT OF INDIGENCY**. If you do not complete and sign these forms it will delay the court reviewing your application.

**PLEASE BE ADVISED** You must completely fill out each form with correct information. "N/A" is not a correct response. If you are unemployed you must write that. 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 judge or magistrate 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 a judge or magistrate. 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.

I ACKNOWLEDGE THAT I HAVE READ OR BEEN READ THESE INSTRUCTIONS AND THAT I UNDERSTAND THEM.

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AFFIANT



# NASHVILLE DEFENDERS

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## Memo

To: Staff  
From: Dawn Deaner  
Date: June 12, 2018  
Re: Public Defender Financial Eligibility Guidelines

The following income guidelines should be utilized in determining eligibility for Public Defender representation, effective immediately:

Regular Income				Maximum Income		
YOU MUST USE THESE FIGURES				ONLY USE MAXIMUM FIGURES WHEN APPLICANT'S INCOME EXCEEDS REGULAR INCOME AND SPECIAL CIRCUMSTANCES EXIST (SEE BELOW). IF INCOME EXCEEDS MAXIMUM, WE CANNOT ACCEPT		
FAMILY UNIT SIZE	WEEKLY INCOME	MONTHLY INCOME	YEARLY INCOME	WEEKLY INCOME	MONTHLY INCOME	YEARLY INCOME
1	290	1,265	15,175	467	2,025	24,280
2	395	1,715	20,575	633	2,745	32,920
3	500	2,165	25,975	800	3,465	41,560
4	603	2,615	31,375	965	4,185	50,200
5	707	3,065	36,775	1,132	4,905	58,840
6	811	3,515	42,175	1,298	5,625	67,480
7	915	3,965	47,575	1,464	6,345	76,120
8	1,019	4,415	52,975	1,630	7,065	84,760
Each additional add	104	450	5,400	166	720	8,640



C. Dawn Deaner, Public Defender

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

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

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

vs.

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

\_\_\_\_\_  
Respondent

TCSES 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



<b>Juvenile Court Davidson County Tennessee</b>	<b>UNIFORM AFFIDAVIT OF INDIGENCY</b>	<b>Case Number</b>
_____ vs. _____		

I, \_\_\_\_\_, 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 Number: \_\_\_\_\_  
 4. Date of Birth: \_\_\_\_\_  
 5. Names and Ages of All Dependents:  
 \_\_\_\_\_ Relationship: \_\_\_\_\_  
 \_\_\_\_\_ Relationship: \_\_\_\_\_  
 \_\_\_\_\_ Relationship: \_\_\_\_\_  
 \_\_\_\_\_ Relationship: \_\_\_\_\_

6. I am employed by: \_\_\_\_\_  
 My employer's address and phone number is: \_\_\_\_\_

7. My Present income, after federal income and social security taxes, are deducted, is: \$ \_\_\_\_\_ per week / month.

8. I receive or expect to receive money from the following sources (if expecting include beginning date):
- |              |                    |                       |                    |
|--------------|--------------------|-----------------------|--------------------|
| AFDC         | \$ _____ per month | SSI                   | \$ _____ per month |
| Retirement   | \$ _____ per month | Disability            | \$ _____ per month |
| Unemployment | \$ _____ per month | Worker's Compensation | \$ _____ per month |
| Other        | \$ _____ per month |                       |                    |

9. My expenses are:
- |                    |                    |                             |                    |
|--------------------|--------------------|-----------------------------|--------------------|
| Rent/House Payment | \$ _____ per month | Medical/Dental              | \$ _____ per month |
| Groceries          | \$ _____ per month | Telephone                   | \$ _____ per month |
| Electricity        | \$ _____ per month | School Supplies             | \$ _____ per month |
| Water              | \$ _____ per month | Clothing                    | \$ _____ per month |
| Gas                | \$ _____ per month | Child Care or               | \$ _____ per month |
| Transportation     | \$ _____ per month | Court Ordered Child Support | \$ _____ per month |
| Other              | \$ _____ per month |                             |                    |

10. Assets:
- |            |                |                          |          |
|------------|----------------|--------------------------|----------|
| Automobile | \$ _____ (FMV) | Checking/Savings Account | \$ _____ |
| House      | \$ _____ (FMV) | Other                    | \$ _____ |

11. My debts are:
- | Amount Owed | To Whom | 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.

\_\_\_\_\_  
 AFFIANT

DETERMINATION REGARDING PAUPER'S OATH

It appears based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Affiant  is  is not an indigent person and qualified to file case upon a 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 a judge or magistrate.  
 Legal Authority: Tenn. Rule Sup. Ct. 13