

SUPREME JUDICIAL COURT

BOSTON, MA 02108

To: Chief Justice Scott L. Kafker
Chief Justice Paula M. Carey
Chief Justices of the Trial Court Departments
Court Administrator Harry Spence
All Clerks and Clerk-Magistrates
Commissioner of Probation Edward J. Dolan

From: Christine P. Burak

Re: Poverty Guidelines for Affidavits of Indigency (G. L. c. 261, § 27A); Applicable under S.J.C. Rule 3:10

Date: February 10, 2016

Pursuant to G. L. c. 261, § 27B, the Chief Justice of the Supreme Judicial Court prescribes the "affidavit of indigency" form that is used in determinations regarding court costs of indigent persons. As you know, the form follows the language of G. L. c. 261, § 27A, providing three different definitions of the word "indigent." The second definition is "a person whose income, after taxes, is one hundred and twenty-five per cent or less of the current poverty threshold established annually by the "Community Services Administration . . ." ¹

The following table is based on the new Federal Poverty Guidelines, as they appear in the Federal Register of January 25, 2016, Volume 81, at pages 4036-4037. By multiplying each figure in the Federal Register table by 125%, one gets the following guidelines for use pursuant to G. L. c. 261, § 27A.

¹ Section 27A has not been updated to state that the poverty guidelines are now issued by the U.S. Department of Health and Human Services.

Affidavit of Indigency

125% of Current Poverty Guidelines Applicable under G. L. c. 261, § 27A

| Size of Family Unit | 125% of Poverty Guidelines |
|---------------------|----------------------------|
| 1 | \$14,850 |
| 2 | \$20,025 |
| 3 | \$25,200 |
| 4 | \$30,375 |
| 5 | \$35,550 |
| 6 | \$40,725 |
| 7 | \$45,913 |
| 8 | \$51,113 |

For family units with more than 8 members, add \$5,200 for each additional member.

Please inform the appropriate personnel, as soon as possible, of the existence of these standards which are to be used with the affidavit of indigency until new standards are published next year. Also, please note that pursuant to S.J.C. Rule 3:10, § 1(f)(ii), as amended, effective October 1, 1993, this poverty standard applies to appointment of counsel for indigents.

cc: Chief Justice Ralph D. Gants