

要求法庭不要向您收取法庭费用和成本

如果您需要出庭，但负担不起案件的费用和成本，则可能不必支付。法院可以“免除”或不收取您的费用，并由州政府支付其他成本。

如果法庭书记员或法官批准您的表格，则您无需支付法庭费用和成本。

使用贫困宣誓书

告诉法庭您负担不起案件的费用和成本，并且

要求法院免除您的法庭费用并由州政府支付其他成本。

您可能还需要使用**贫困宣誓书补充材料**。

您可以在本手册中、从每个法院的书记员办公室或在线获取这些表格：

贫困宣誓书

mass.gov/courts/docs/forms/sjc/affidavitofindigency.pdf

贫困宣誓书补充材料

mass.gov/courts/docs/forms/sjc/supplementaffidavit.pdf

您还可以在线填写贫困宣誓书：apps.suffolklitlab.org/start/indigency

这些表格仅适用于马萨诸塞州法院。联邦法院采用不同表格和不同规则。

关于贫困宣誓书的常见问题

我如何向法庭表明负担不起案件？

在下列情况下，您无需支付法庭成本：

A. 您享受以下任何福利：

- 受抚养子女家庭过渡援助 (TAFDC)
- 老人、残疾人或儿童紧急援助 (EAEDC)
- 补充保障收入 (SSI)
- MassHealth
- 马萨诸塞州退伍军人福利计划

B. 您的家庭收入低于当前联邦贫困线 125%。使用扣除税款后的家庭收入。请参阅当前联邦贫困线：[Mass.gov/doc/poverty-threshold-guidelines/download](https://www.mass.gov/doc/poverty-threshold-guidelines/download)

C. 您无力支付法庭费用，也无力支付食物、住所和衣服等基本需求。如果您必须权衡支付法庭费用还是基本需求，则您的收入就足够低了。

法院将免除或由州政府支付哪些成本？

如果法院批准您的贫困宣誓书，则可免除或由州政府支付两种成本，即**正常费用和成本**以及**额外费用和成本**。¹

法院无法支付您的律师费用。

正常费用和成本

正常费用和成本是每个人在您所涉及的该类案件中都必须支付的费用和成本。它们包括：

- 法庭申请费和附加费。
- 复印、签发或证明文件所需费用。
- 向警员或治安官支付的送达法庭文件所需费用。
- 证人或文件传票所需费用。
- 为您的案件发布通知的成本，以及
- 上诉费用和附加费。

额外费用和成本

不被视为正常成本和费用的均为“额外成本和费用”。

¹ MGL 第 261 章第 27A 节中定义了正常费用和成本以及额外费用和成本。

额外费用和成本示例如下：

- 专家测试、检查或证词所需费用。
- 证人作证所需费用。
- 在您对案件提出上诉的情况下，要求对您的听证会进行录音所需费用。
- 上诉保证金

我的贫困宣誓书是否保密？

是。您的贫困宣誓书保密。只有您、您的律师和法院支付费用的下列人能够看到它以及您从法院获得的免除：

- 授权的法庭人员，
- 为您送达通知的治安官或警员，或
- 在您需要发布通知的情况下，报纸的计费部门。

法院必须获得书面许可，才能向任何其他人出示或发送您的表格副本。如果您需要其他人查看您的表格或费用免除情况，请给法院写信。在您的信函中提出此人姓名，并允许法院向该人出示或发送副本。将您的信函副本交给您要求查看这些表格的人。

您不必将自己的表格或费用免除情况的副本交给案件中的任何其他人。如果案件中的另一方想要查看这些文件，他们必须持有法院命令。

我如何申请？

1. 填写贫困宣誓书并签名。请参阅第 7 页的“填写贫困宣誓书”。
2. 向法庭书记员提交您的**贫困宣誓书**。
3. 如果您在宣誓书上勾选了 (C) 类，则还需要填写“**贫困宣誓书补充材料**”。

在我提交贫困宣誓书后会发生什么？

如果您在提交贫困宣誓书同时提交其他法庭文件，书记员必须在您向书记员提交的日期提交所有文件并注明日期。如果您无力支付法庭费用，书记员仍然必须在同一日期提交文件。

- 如果您在贫困宣誓书中只要求支付**正常成本**，则书记员应立即批准并给您“费用免除”。只有在书记员认为您的申请有问题时，才将您的宣誓书发送给法官。
- 如果您要求**额外成本**，书记员可能会批准您的请求。如果书记员不批准您的请求，则必须在 5 天内将其提交给法官。法官可以不经听证而批准您的请求。

即使法庭没有立即批准您的贫困宣誓书，书记员也必须让您提交其他法庭文件。

我是否必须向书记员提供更多信息？

如果您勾选了 A 类或 B 类，则书记员不应要求您提供更多信息。书记员不应要求提供有关您获得的任何公共援助或收入的证明。他们不应告诉您填写**宣誓书补充材料**。如果您正确填写了表格，他们不应将您的宣誓书发送给法官。

如果您勾选了 C 类，则必须填写**宣誓书补充材料**。只有在书记员认为您可能有能力支付申请费并仍然支付食物、住所和衣服的费用时，才应将您的宣誓书发送给法官。

如果书记员要求我提供更多信息，我该怎么办？

如果您勾选了 A 类或 B 类，则可以：

- 将本手册第 XX 页上给法庭工作人员的说明副本交给书记员。告诉他们这些说明是最高司法法院为帮助法院工作人员而编写的。
- 请书记员与他们的主管交谈。
- 致电您当地的法律援助办公室寻求帮助。
- 如果您有额外文件，请交给书记员，但您可不必这样做。

我是否需要和法官交谈？

如果法官需要与您讨论您的贫困宣誓书，则为您举行一次听证会。法官只有在举行听证会时才能拒绝免除法庭费用。如果您有听证会，请向法官解释您的案件需要文件或服务的理由。

如果您勾选了 C 类，并且在法官面前进行听证，请携带您的收入证明（如工资单）并携带支出证明（如托儿成本、公共事业费、汽车付款和医疗账单）。

法庭可否拒绝免除部分成本？

法院可能同意免除部分费用或由州政府支付您请求的部分费用，而非全部费用。但您必须先法官面前进行听证。

如果法庭拒绝我的贫困宣誓书怎么办？

如果书记员不批准您的申请，则必须自动将其发送给法官进行审查。

如果您不同意法官的决定，可以“上诉”至更高一级法院以审查该决定。法院给予的上诉期限很短。您必须迅速行动。向书记员办公室询问如何上诉和联系法律援助。

填写贫困宣誓书

第 1 部分

仅勾选 1 个解释您的收入太低而无力支付法庭成本原因的方框：

(A) 类

您可以享受以下福利：

- 马萨诸塞州受抚养子女家庭过渡援助 (TAFDC)
- 马萨诸塞州老人、残疾人或儿童紧急援助 (EAEDC)
- 联邦补充保障收入 (SSI)
- 马萨诸塞州退伍军人福利
- MassHealth (前 Medicaid)

如果您勾选了 MassHealth 并获得其他福利，也请勾选其他福利。

(B) 类

您的家庭收入（税后）低于当前联邦贫困线 125%。联邦政府每年都会更新这些指南。请参阅 MassLegalHelp.org 贫困指南。

(C) 类

您的收入超过 B 类贫困的 125%。但如果您支付法庭费用，则无法支付食物、住所和衣服的费用。

如果我勾选了 A 或 B 会发生什么？

如果您选取了 A 类或 B 类，并且您只要求**免除正常成本**，则书记员应自动批准您的**贫困宣誓书**。但表格必须完整。

如果您要求**免除额外成本**，书记员可能会让您与法官交谈，解释您需要您所要求东西的理由。

如果我勾选了 C 会发生什么？

如果您选取了 C 类，则必须填写另一份表格，即**贫困宣誓书补充材料**。如果您勾选了 C 类，则书记员可以批准您的宣誓书。如果书记员认为您**可能**能够支付案件中的成本并仍然支付您的基本需求，则只需将表格发送给法官即可。

第 2 部分和第 3 部分

在**贫困宣誓书**的第 2 部分和第 3 部分中，勾选您需要法院免除或支付费用旁边的方框。并列出现在表格中未包含的成本。例如：

- 如果您要提起诉讼，请勾选法庭“诉讼费和任何附加费”方框。您可以在 [mass.gov/courts/court-info/filing-fees](https://www.mass.gov/courts/court-info/filing-fees) 在线找到申请费
- 如果您需要让治安官或其他官员送达法庭文件，请勾选送达法庭传票、证人传票或其他法庭文件所需费用或成本旁边的方框。
- 如果您需要在报纸上发布通知，请勾选“其他费用或成本”旁边的方框并输入成本估算值。

如果您不知道自己案件所需成本，请列出您需要的服务和最佳成本估算值。您也可以向法庭书记员询问成本。

法庭无法支付您的律师费用。

随后在您的案件中，如果您需要其他法庭成本，如证人传票或证人作证所需成本，请针对这些成本另外提交一份**贫困宣誓书**。

如果您未填写全部成本的金额，法院仍应接受您的申请。

何为替代服务？

在第 2 部分和第 3 部分中，最后一个方框用于**替代**。法院可以命令一种提供您所需服务的更简单或成本更低的方式。例如，法院可以命令您可在某些地方张贴通知，而非在报纸上发布通知。

您可以在应用程序中的这一行上要求替代方法。

签署宣誓书

签署**贫困宣誓书**。您签名时，即表示发誓，据您所知，您在表格上填写的全部内容均真实。

提交宣誓书时需要携带什么前往法庭？

如果您勾选了 (A) 或 (B) 类，只需将宣誓书携带到法庭即可。您无需携带任何其他物品。您可以携带表明您获得福利或收入的文件。但您无需携带任何证明。

如果您勾选了 (C) 类，则将宣誓书和补充材料携带到法庭。携带您的收入证明（如工资单）和支出证明（如托儿成本、公用事业费、汽车付款和医疗账单），以防您需要在法官面前进行听证。

翻译表格用户说明

填写本表格，然后将您的信息复制到 9 手册中的英文表格。

仅向法院和您的房东或其律师提供英文表格。

保留简体中文表格和一份英文表格供您参考。

您有权要求免费提供口译员

您可以在开庭日期之前致电法院询问法庭书记员办公室。

如果您在自己持有的法院文件上找不到法院的电话号码，请使用位于 [mass.gov/courthouse-locator](https://www.mass.gov/courthouse-locator) 的法院定位器在网上查找。

请告知书记员您需要口译员。

如果您亲自出庭，可以向法庭书记员出示此卡：www.masslegalhelp.org/language-rights/your-right-to-an-interpretor-poster-vertical.pdf

法院竭诚为说各种语言的人提供服务

如果您需要口译员，马萨诸塞州各法院都应为您提供。

如果您无法从法院工作人员或口译员处获得所需帮助，可以在网上投诉：macourtsystem.formstack.com/forms/language_access_complaint

贫困宣誓书

并请求免除、替代
或由州政府支付费用和成本

(注意：如果您目前被关押在监狱中并且不依照 GL c. 248 § 1 寻求立即释放，但您正在起诉惩教人员并希望请求法院支付“正常”费用（用于首次提交和服务），则请勿使用本表格。从书记员处索取单独表格。)

法庭

案例名称和编号（如果知道）

申请人名称：_____

地址：_____

（街道和门牌号）

（城市或城镇）

（州和邮政编码）

第 1 部分： 根据《一般法》第 261 章第 27A-27G 部分的规定，本人宣誓（或确认）如下事项：
我贫穷，具体表现为（仅勾选一项）：

A. 我依照以下项目（勾选收到的公共援助表格）获得公共援助：

- 受抚养子女家庭过渡援助 (TAFDC)
- 老人、残疾人或儿童紧急援助 (EAEDC)
- 马萨诸塞州退伍军人福利计划
- Medicaid (MassHealth)
- 补充保障收入 (SSI)；或

B. 我的收入，即从我的工资中扣除税款，对于一个 ____ 人家庭（包括我自己和 ____ 名受抚养人）而言，为每周 _____ 美元，每两周一次（勾选适用周期）；收入处于或低于法院系统的贫困水平；

(注意：法院系统对各种规模家庭的贫困水平必须在本法院公布。如果找不到，请询问书记员或在线查看：Mass.gov/doc/poverty-threshold-guidelines/download。法院系统的贫困水平每年更新)。

在本行中列出所勾选期间的任何其他可支配家庭收入 _____ 美元；或者

C. 我无力支付此诉讼的费用和成本，或者我无力在不消减我自己或受抚养人的生活必需品（包括食物、住所和衣服）情况下支付。

如果您勾选了 (C)，还必须填写贫困宣誓书补充材料。

本表格仅供参考。不向法院提交。

第 2 部分：（注意：在填写本表格时，请尽可能具体说明提交此请求时的已知费用和成本。如有必要，可随后提交补充请求。）

我请求法院免除（不收取）或由州政府支付以下正常费用和成本，或请求法院命令免费（或以较低成本，由州政府支付）替换文件、服务或物品：（勾选所有适用项，并在任何“___美元”空白处，指出您对成本的最佳猜测（如已知）。）

- 提交费和任何附加费。_____美元
- 上诉提交费和任何附加费。_____美元
- 送达法庭传票、证人传票或其他法庭文件的费用或成本。_____美元
- 其他费用或成本 _____ 美元，用于（请说明）_____
- 替代（请说明）： _____

第 3 部分： 我请求州政府免除（不收取）、替代或支付以下额外费用和成本：

- 用于测试、检查、作证或其他协助的专家服务的成本，_____美元（请说明）：

- 获取和/或抄录（指定人员姓名）作证所需成本，_____美元：
- 为未由公共法律顾问服务委员会（CPCS 公设辩护人）代理的申请人准备上诉所需的审判或其他程序的录音盒式磁带的副本。
- 上诉保证金
- 准备审判或其他程序的书面抄录费用，_____美元
- 其他费用和成本，\$ _____，用于（请说明）： _____
- 替代（请说明）：

接受伪证处罚签名

X _____

签署日期

根据最高司法法院的命令，本宣誓书中的全部信息均保密。除法院特别命令外，不得向授权法院人员、申请人、申请人的律师或申请人书面授权的任何人以外的任何人披露。

本表格由 SJC 首席大法官根据 G.L. c. 261, § 27B 编制。2003 年 3 月颁布。

AFFIDAVIT OF INDIGENCY

AND REQUEST FOR WAIVER, SUBSTITUTION OR STATE PAYMENT OF FEES & COSTS

(Note: If you are **currently confined in a prison or jail** and are not seeking immediate release under G.L. c. 248 §1, but you are suing correctional staff and wish to request court payment of “normal” fees (for initial filing and service), **do not use this form**. Obtain separate forms from the clerk.)

Court	Case Name and Number (if known)	
Name of applicant: _____		
Address: _____		
(Street and number)	(City or town)	(State and Zip)

SECTION 1: Under the provisions of General Laws, Chapter 261, Sections 27A-27G, I swear (or affirm) as follows:
I AM INDIGENT in that (*check only one*):

- A.** I receive public assistance under (check form of public assistance received):
- Transitional Aid to Families with Dependent Children (TAFDC)
 - Emergency Aid to Elderly, Disabled or Children (EAEDC)
 - Massachusetts Veterans Benefits Programs
 - Medicaid (MassHealth)
 - Supplemental Security Income (SSI); **or**
- B.** My income, less taxes deducted from my pay, is \$_____ per week biweekly month year (check period that applies) for a household of ___ persons, consisting of myself and ___ dependents; which income is at or below the court system’s poverty level;

(Note: The court system's poverty levels for households of various sizes must be posted in this courthouse. If you cannot find it, ask the clerk or check online at: <https://www.mass.gov/doc/poverty-threshold-guidelines/download>. The court system’s poverty level is updated each year).

List any other available household income for the checked period on this line \$_____ ; **or**

- C.** I am unable to pay the fees and costs of this proceeding, or I am unable to do so without depriving myself or my dependents of the necessities of life, including food, shelter and clothing.

IF YOU CHECKED (C), YOU MUST ALSO COMPLETE THE SUPPLEMENT TO THE AFFIDAVIT OF INDIGENCY.

SECTION 2: (Note: In completing this form, please be as specific as possible as to fees and costs known at the time of filing this request. A supplementary request may be filed at a later time, if necessary.)

I request that the following **NORMAL FEES AND COSTS** be waived (not charged) by the court, or paid by the state, or that the court order that a document, service or object be substituted at no cost (or alower cost, paid for by the state): (Check all that apply and, in any "\$ ____" blank, indicate your best guess as to the cost, **if known**.)

- Filing fee and any surcharge. \$ _____
- Filing fee and any surcharge for appeal. \$ _____
- Fees or costs for serving court summons, witness subpoenas or other court papers. \$ _____
- Other fees or costs of \$ _____ for (specify): _____
- Substitution (specify): _____

SECTION 3: I request that the following **EXTRA FEES AND COSTS** either be waived (not charged), substituted or paid for by the state:

- Cost, \$ _____, of expert services for testing, examination, testimony, or other assistance (specify): _____
- Cost, \$ _____, of taking and/or transcribing a deposition of (specify name of person): _____
- Cassette copies of tape recording of trial or other proceeding, needed to prepare appeal for applicant not represented by Committee for Public Counsel Services (CPCS-public defender).
- Appeal bond
- Cost, \$ _____, of preparing written transcript of trial or other proceeding
- Other fees and costs, \$ _____, for (specify): _____
- Substitution (specify): _____

Signed under the penalties of perjury

X

Date signed

By order of the Supreme Judicial Court, all information in this affidavit is CONFIDENTIAL. Except by special order of a court, it shall not be disclosed to anyone other than authorized court personnel, the applicant, applicant's counsel, or anyone authorized in writing by the applicant.

This form prescribed by the Chief Justice of the SJC pursuant to G.L. c. 261, § 27B. Promulgated March, 2003.

马萨诸塞联邦
贫困宣誓书补充材料

并请求免除、替代
或由州政府支付费用和成本

(注意：如果您在贫困宣誓书上勾选了 (C)，则必须填写本表格。)

法庭

案例名称和编号 (如果知道)

申请人姓名: _____

地址: _____
(街道和门牌号) (城市或城镇) (州和邮政编码)

根据《一般法》第 261 章第 27A-27G 部分的规定，本人宣誓或确认如下事项：

1. 个人信息

- A. 出生日期: _____
- B. 在校最高年级: _____
- C. 专业培训: _____
- D. 列出您希望披露并影响您收入能力或生活开支的任何身体或精神残疾:

- E. 受抚养人数: _____

2. 税后收入 (每月)

- A. 如果为工作收入，请列出您的职业以及雇主名称和地址:

- B. 收入来源 (如果不是工作收入):

- C. 我过去 12 个月的年总收入为: _____ 美元
- D. 总收入 (每月): _____ 美元

E. 扣除的税款（每月）：

联邦税	_____美元
州税	_____美元
社安税	_____美元
医疗保险	_____美元
其他税费（请说明）_____	_____美元
扣除的总税款	_____美元

F. 税后总收入（2(d) 减去 2(e)）： _____美元

G. 如果您的任何其他家庭成员受雇，请列出其职业、雇主名称和地址以及税后月收入：

3. 净收入（每月）

A. 税后收入

B. 支出（每月）：

租金或抵押贷款_____美元	未投保医疗支出_____美元
食物_____美元	儿童保育 _____美元
电费_____美元	儿童教育支出 _____美元
汽油_____美元	儿童抚养费_____美元
油_____美元	衣服_____美元
水_____美元	洗衣/清洁 _____美元
电话_____美元	汽车保险_____美元
健康保险_____美元	交通支出 _____美元

其他（请说明）：

总支出_____美元

C. 税后收入减去支出（每月）（3(a) 减去 3(b)）： _____美元

4. 资产

A. 自有住宅? 是 否 市值_____美元 欠款余额_____美元

B. 自有汽车? 是 否 年份和品牌_____

市值_____美元 欠款余额 _____美元

C. 银行账户 (请说明类型和余额) _____

D. 其他财产, 包括不动产 (请说明类型和价值) _____

5. 债务

A. 请说明:

6. 杂项

A. 可能与您支付费用和成本能力有关的其他事实?

接受伪证处罚签名: S 签名 x _____

打印/正楷姓名: _____

地址: _____

城市: _____ 州: _____ 邮政编码: _____

签署日期: _____

根据最高司法法院的命令, 本宣誓书中的全部信息均保密。除法院特别命令外, 不得向授权法院人员、申请人、申请人的律师或申请人书面授权的任何人以外的任何人披露。

本表格由 SJC 首席大法官根据 G.L. c. 261, § 27B 编制。2003 年 3 月颁布

COMMONWEALTH OF MASSACHUSETTS

SUPPLEMENT TO AFFIDAVIT OF INDIGENCY

AND REQUEST FOR WAIVER, SUBSTITUTION
OR STATE PAYMENT OF FEES & COSTS

(Note: If you checked (C) on the AFFIDAVIT OF INDIGENCY, you must complete this form.)

_____ Court _____ Case Name and Number (if known)

Name of applicant: _____

Address: _____
(Street and number) (City or town) (State and Zip)

Under the provisions of General Laws, Chapter 261, Sections 27A-27G, I swear or affirm as follows:

1. Personal Information

A. Date of Birth: _____

B. Highest Grade in School: _____

C. Special Training: _____

D. List any physical or mental disabilities which you wish to reveal and which affect your earning capacity or living expenses:

E. Number of Dependents: _____

2. Income after taxes (monthly)

A. If from employment, list your occupation and employer's name and address:

B. Sources of income, if not from employment:

C. My gross annual income for the past twelve months was: \$ _____

D. Gross Income (monthly): \$ _____

E. Taxes Deducted (monthly):

Federal Tax \$ _____
State Tax \$ _____
Social Security \$ _____
Medicare \$ _____
Other Taxes (specify) _____ \$ _____
Total Taxes Deducted \$ _____

F. Total Income After Taxes (subtract 2(e) from 2(d)): \$ _____

G. If any other member of your household is employed, list occupation and name and address of their employer and monthly income after taxes:

3. Net Income (monthly)

A. Income After Taxes

B. Expenses (monthly):

Rent or Mortgage \$ _____ Uninsured Medical Expenses \$ _____
Food \$ _____ Child Care \$ _____
Electricity \$ _____ Education Expenses for Children \$ _____
Gas \$ _____ Child Support \$ _____
Oil \$ _____ Clothing \$ _____
Water \$ _____ Laundry/Cleaning \$ _____
Telephone \$ _____ Car Insurance \$ _____
Health Insurance \$ _____ Transportation Expenses \$ _____
Other (specify): _____

Total Expenses \$ _____

C. Income After Taxes Minus Expenses (monthly) (subtract 3(b) from 3(a)): \$ _____

4. Assets

A. Own Home? Yes No Market Value \$ _____ Balance Owed \$ _____

B. Own Car? Yes No Year & Make _____

Market Value \$ _____ Balance Owed \$ _____

C. Bank Accounts (specify type and balance) _____

D. Other Property including Real Estate (specify type and value) _____

5. Debts

A. Specify: _____

6. Miscellaneous

A. Other facts which may be relevant to your ability to pay fees and costs?

Signed under the penalties of perjury: Signature x _____

Type/Printed Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Date signed: _____


By order of the Supreme Judicial Court, all information in this affidavit is CONFIDENTIAL. Except by special order of a court, it shall not be disclosed to anyone other than authorized court personnel, the applicant, applicant's counsel or anyone authorized in writing by the applicant.

This form prescribed by the Chief Justice of the SJC pursuant to G.L. c. 261, § 27B. Promulgated March, 2003

SUPREME JUDICIAL COURT
BOSTON, MASSACHUSETTS 02108

MARGARET H. MARSHALL
CHIEF JUSTICE

TO: Chief Justice Armstrong
Chief Justice Dortch-Okara
Chief Justice DeVecchio
Chief Justice Dunphy
Chief Justice Grace
Chief Justice Kyriakakis
Chief Justice Scheier
Chief Justice Zoll
Acting Chief Justice Johnson

FROM: Chief Justice Marshall 

DATE: March 25 2003

RE: Affidavit of Indigency and Related Forms

Pursuant to G. L. c. 261, § 27B, I hereby prescribe the enclosed forms for requesting waiver, substitution or payment by the Commonwealth of fees and costs. Effective on Monday, May 5, 2003, these forms supersede the affidavit of indigency forms currently in use.

Enclosed are the following:

- 1) Affidavit of Indigency
- 2) Supplement to Affidavit of Indigency
- 3) Court's Determination Regarding Fees and Costs
- 4) Inmate's Affidavit of Indigency
- 5) Request for Payment to be Withdrawn from Inmate's Account
- 6) Order to Commissioner of Correction or County Sheriff to Provide Inmate Account Information
- 7) Instructions for Users
- 8) Instruction to Courts

Note that the inmate forms, pursuant to G. L. c. 261, § 29, and instructions are new. The confidentiality provisions have been revised to provide that the financial information in the

affidavit of indigency shall not, except by special order of the court, be disclosed to anyone other than authorized court personnel, the applicant, the applicant's counsel or anyone authorized in writing by the applicant.

Under the decision in Underwood v. Appeals Court, 429 Mass. 1017 (1998), the court may order payment of partial fees in appropriate cases. However, consistent with the procedure in G. L. c. 261, §§27C(2) and (3), a determination to order partial payment should be made only by a judge. See "Instructions to Courts."

If an applicant checks (B) on the affidavit of indigency, he or she need only provide the information requested in (B) without any need to fill out the supplement to the affidavit of indigency. This procedure is the same as on the current affidavit.

Note that G. L. c. 261, § 27A refers to public assistance under aid to families with dependent children, the emergency aid for elder and disabled residents or veterans' benefits programs, or assistance under Title XVI of the Social Security Act or the medicaid program, 42 USC 1396, et seq. The terminology on the form has been changed to reflect current programs. G. L. c. 261, § 27A refers to the current poverty threshold annually established by the Community Services Administration pursuant to § 625 of the Economic Opportunity Act. Since 1981, the annual update of the poverty income guidelines, formerly issued by the Community Services Administration, has been issued by the Department of Health and Human Services. See Annual Update of the Poverty Income Guidelines, Vol. 68, No. 26 Fed. Reg. 6456 (February 7, 2003).

Please distribute these forms to all clerks, registers or recorders in your court so that they are ready to begin using them on May 5, 2003.

INSTRUCTIONS TO COURTS ON THE ADMINISTRATION OF THE INDIGENT COURT COSTS LAW

Accompanying these Instructions are revised forms to be effective May 5, 2003 under the state's Indigent Court Costs Law, c.261, §§27A - G and 29. Please note that, for the first time, this court has included instructions to applicants as part of the Affidavit of Indigency forms. Previously, each Trial Court Department was authorized to draft its own instructions, if any. It is important to give the same information to users so that the forms and procedures will be more easily understood. Trial Court Departments can supplement or modify these Instructions, as appropriate to their particular Departments, so long as the changes are not inconsistent with these Instructions. If a court department does so, it should submit its changes to the Chief Justice of the Supreme Judicial Court for quick review before they go into effect.

These are some comments that we make on the Indigent Court Costs Statute and forms, in order to provide guidance to you in administering this law.

1) Partial Fees May Be Permitted - In the decision of Underwood v. Appeals Court, 427 Mass. 1012 (1998), this court decided that the statute authorizes the assessment of a partial fee as a substitute for complete waiver of the fee or state payment of the cost. The judge should exercise reasonable discretion, considering the totality of the applicant's economic circumstances, before ordering payment of a partial fee.

2) Instructions on Use of Inmate Forms - Included in the packet is a separate set of forms designed to meet requirements under recent amendments to the law pertaining to inmate filings. These forms are for use only when the applicant: (1) is currently confined in a correctional institution; (2) has brought suit against a state or county agency, official or employee (except for a petition for relief from restraint under G.L. c. 248, §1); and (3) seeks waiver of "normal" (as opposed to "extra") fees and costs. See G.L. c. 261, § 29. If any of these three criteria are not met, the applicant and court personnel should use the general forms.

The special inmate forms include an affidavit of indigency form that requires the prisoner to supply the specific information required by § 29(b). The form incorporates a preamble that notifies inmates of the particular consequences of intentionally filing an affidavit that is false or is designed to abuse the judicial process, as set forth in § 29(f). Once the action is filed, the court must, under § 29(a), order the custodial official to produce a printout of the plaintiff/inmate's institutional canteen and savings accounts within 30 days so that the inmate's resources can be assessed. The packet includes a form order to the Commissioner of Correction or county sheriff for this purpose. The court may tentatively approve an inmate's application to permit service of process while the order to the correctional administrator and further review is pending. § 29(e). If, upon review of the inmate's application and account information, the court determines that the inmate is indigent, it may waive fees entirely; require a one-time partial payment toward the fees

and costs; or order an initial payment and subsequent installment payments. § 29(d). The form notice of waiver sets forth these options and notifies the prisoner of his/her obligation under § 29(d)(3) to forward the court's order to the appropriate custodial official. The form also permits the inmate to authorize the custodian to debit and send to the court the payments that are ordered.

3) Acceptance of Court Papers Accompanying Filing Fee Waiver Requests -

Sometimes applicants for waiver of filing fees present papers on a day which is within a statute of limitation or other time deadline (such as an appeal from a state agency adjudicatory hearing decision). As the statute states (c.261, §27C(1)), all papers offered for filing must be dated and accepted when they are first presented, and must be processed without delay. This means that no papers may be rejected because the filer has not yet obtained waiver of the filing fee. Rather, if the filing fee is later waived, the date of filing is the date of the original presentation of the papers.

4) Duties of Clerk - The statute requires that applications for waiver or state payment of normal fees or costs under Categories A (recipients of certain means-tested public benefit programs) and B (income is below 125% of the federal poverty line) must be approved by the Clerk (or the Assistant Clerk) without delay so long as they are regular on their face and raise no significant question about whether the applicant is indigent. G. L. c. 261, 27C(2). Except in prisoner cases, such papers should not be referred to a judge for decision, nor should further information be requested if the papers are properly completed. Also, the Clerk should not require an applicant to complete the Supplement to the Affidavit of Indigency form unless he or she is applying under Category C.

Applications under Category C, which requires the applicant to complete a Supplement to Affidavit of Indigency, can frequently be decided at the Clerk's level, based upon the information submitted. But if there are serious questions about whether the applicant meets the Category C standard, the application should be referred to a judge for decision.

5) Confidentiality of Papers - All papers relating to requests under the Indigent Court Costs Law are confidential and not available to the public. The only exceptions are that they are available to authorized court personnel and to the applicant and the applicant's attorney. They are not available to any other party or their authorized representative without a specific court order. If an authorized representative (other than an attorney) for an applicant seeks to review or to obtain copies of any of these documents, that person should present a written consent by the applicant before access is permitted.

6) Appeals - G. L. c. 261, § 27C(3) provides that if the affidavit is not regular on its face or does not indicate the applicant is indigent, the clerk or register shall bring it to the attention of a judge. Any denial or other decision by a Judge can be appealed to an appellate court under the procedures provided for in the statutes or rules. G. L. c. 261, § 27D.

7) Posting of Federal Poverty Line Information - A chart showing 125% of the current federal standards of poverty for different sized families must be posted in each local court in a

place where litigants are likely to see it. These standards are updated by the federal government each year in February or March, and so courts should be sure that they have a current schedule posted. Each year, shortly after the federal change, the Supreme Judicial Court staff mails out a copy of the new schedule. If the schedule is not posted in the courthouse, applicants who need to review it are instructed to ask for a copy at the Clerk's office.

8) **Estimated Costs** - Applicants are asked to give their best estimates of the costs of the services whose waiver or state payment they are requesting. If they do not know the cost, they are asked to provide a reasonable description of what they need. Most applicants will not know the actual costs of many of these services. Therefore, courts should approve otherwise appropriate applications for waiver or state payment and insert in the approval the actual or estimated amount of the fee or service, as it is known to the court.