

SUPREME JUDICIAL COURT

BOSTON, MA 02108

To: Chief Justice Mark V. Green
Chief Justice Paula M. Carey
Chief Justices of the Trial Court Departments
Court Administrator Jonathan S. Williams
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 2, 2018

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 18, 2018, Volume 83, at page 2643. 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	\$15,175
2	\$20,575
3	\$25,975
4	\$31,375
5	\$36,775
6	\$42,175
7	\$47,575
8	\$52,975

For family units with more than 8 members, add \$5,400 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(h)(ii), as amended, effective November 1, 2016, this poverty standard applies to appointment of counsel for indigents.

cc: Chief Justice Ralph D. Gants

Notice to Indigent Persons

You may be eligible for the waiver, substitution or state payment of the normal fees and costs of your case such as the filing fee, the fees and costs associated with service of process, and the fees and costs of serving subpoenas, and extra fees and costs, such as the cost of transcribing a deposition, the cost of expert assistance, the cost of appeal bonds and appeal bonds premiums, **but not your attorney's fees**, if you meet any of the below requirements.

- (1) You receive public assistance under the Massachusetts Transitional Aid to Families with Dependent Children (TAFDC), Massachusetts Emergency Aid to Elderly, Disabled & Children (EAEDC), Federal Supplemental Security Income (SSI), Massachusetts MassHealth (formerly Medicaid) or Massachusetts Veterans Benefits programs; or
- (2) Your after-tax income is one hundred twenty-five per cent (125%) or less of the current Federal poverty threshold; or
- (3) You either are unable to pay the fees and costs of the proceeding in which you are involved or are unable to do so without depriving yourself or your dependents of the necessities of life such as food, clothing and shelter.

To apply for the waiver, substitution or state payment of the normal fees and costs and/or extra fees and costs of your case, please see a member of this office's staff at the front counter for a copy of the "Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs" form.

Poverty Threshold for Indigency Determinations	
Revised January, 2018	
Size of Family Unit	125% of Poverty Threshold
1	\$15,175
2	\$20,575
3	\$25,975
4	\$31,375
5	\$36,775
6	\$42,175
7	\$47,575
8	\$52,975
Over 8	Add \$5,400 for each additional member

INDIGENCY DETERMINATIONS – JANUARY 2018

125% OF CURRENT POVERTY Guideline
G.L. c. 261, § 27A and SJC Rule 3:10, § 1(f)(ii)

	INDIGENT MAXIMUM MONTHLY income AFTER TAXES No more than:	INDIGENT BUT ABLE TO CONTRIBUTE (criminal cases only) MAXIMUM MONTHLY income AFTER TAXES More than – no more than:	YEARLY MAXIMUM INCOME AFTER TAXES
1	\$ 1,257	\$ 1,257 - \$ 2,513	\$ 15,175
2	\$ 1,692	\$ 1,692 - \$ 3,384	\$ 20,575
3	\$ 2,128	\$ 2,128 - \$ 4,255	\$ 25,975
4	\$ 2,563	\$ 2,563 - \$ 5,125	\$ 31,375
5	\$ 2,998	\$ 2,998 - \$ 5,996	\$ 36,775
6	\$ 3,434	\$ 3,434 - \$ 6,867	\$ 42,175
7	\$ 3,869	\$ 3,869 - \$ 7,738	\$ 47,575
8	\$ 4,305	\$ 4,305 - \$ 8,609	\$ 52,975
More than 8 family members	Add \$ 450 for each family member	Add \$ 436 - \$ 900 for each family member	Add \$ 5,400 for each family member