

SUPREME JUDICIAL COURT

BOSTON, MA 02108

To: Chief Justice Mark V. Green
Chief Justice Jeffrey A. Locke
Chief Justices of the Trial Court Departments
Court Administrator John A. Bello
Deputy Court Administrators
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: January 28, 2022

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 21, 2022, Volume 87, No. 14, at pages 3315-3316. 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	\$16,988
2	\$22,888
3	\$28,788
4	\$34,688
5	\$40,588
6	\$46,488
7	\$52,388
8	\$58,288

For each additional member of the family unit in excess of 8, add \$5,900.

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.

Thank you.

cc: Chief Justice Kimberly S. Budd