



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

January 30, 2009

To

Members of the Judicial Council

From

William C. Vickrey 
Administrative Director of the Courts

Mary M. Roberts, General Counsel 
Deborah Brown, Managing Attorney 
Anne M. Ronan, Attorney 
Office of the General Counsel

Action Requested

Voting Members Only: Please vote and return by fax

Deadline

February 9, 2009

Contact

Anne M. Ronan
415-865-8933 phone
415-865-7664 fax
anne.ronan@jud.ca.gov

Subject

Circulating Order: CO-09-01 re
Information Sheet on Waiver of Court Fees and Costs
(Form FW-001-INFO)

Issue Statement

The *Information Sheet on Waiver of Court Fees and Costs* (Form FW-001-INFO) needs to be revised to reflect 2009 increases in the federal poverty guidelines.

Recommendation

Administrative Office of the Courts staff recommends that the Judicial Council revise the *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO), effective immediately, to conform to the 2009 federal poverty guidelines. The Rules and Projects Committee has reviewed the proposed revision and recommends its approval.

The revised form is attached at page 3.

Rationale for Recommendation

The eligibility of litigants to proceed in forma pauperis is determined by California Government Code section 68511.3. Among other things, section 68511.3(a)(6)(B) provides that a fee waiver shall be granted to litigants whose monthly income is 125 percent or less of the current monthly poverty guidelines established annually by the Secretary of the U.S. Department of Health and Human Services (HHS).

The Judicial Council has adopted rules of court and forms for litigants proceeding in forma pauperis. One of the forms is the *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO).

In accordance with Government Code section 68511.3(a)(6)(B), item 2 on the information sheet provides monthly income figures on which a court may base a decision to grant a fee waiver. The monthly income figures on the information sheet currently reflect 125 percent of the 2008 monthly poverty guidelines established by the HHS. HHS released the revised federal poverty guidelines on January 23, 2009.¹ As a result, item 2 on the information sheet also must be revised to reflect the 2009 federal poverty guideline revisions. To determine the new monthly income figures in the *Information Sheet*, the federal poverty guidelines must be multiplied by 125 percent and divided by 12.² The new figures are reflected in item 2 of the revised form at page 3.

Staff of the Civil and Small Claims Advisory Committee monitor these yearly revisions and ensure that the form is revised and submitted to the council. Revised form FW-001-INFO should take effect immediately to ensure that litigants are provided with accurate monthly income guidelines on which a court may base a decision to grant a fee waiver.³ Because this is an information sheet rather than an application to be filed with the court, this rapid change to the form should not cause any inconvenience to litigants or the courts. Once adopted by the Judicial Council, revised form FW-001-INFO will be distributed to the courts and forms publishers and posted to the California Courts Web site.

WCV/MMR/ck
Attachments

¹ Relevant sections are attached at page 4.

² The computation sheet is attached at page 5.

³ To implement a new statutory scheme related to fee waivers, the Civil and Small Claims Advisory Committee intends to present proposed new and amended rules of court and new and revised forms to the Judicial Council at the April 24 council meeting, with a proposed effective date of July 1, 2009. Staff proposes that this information sheet be amended effective immediately, however, to ensure that litigants and courts are provided with accurate information in a timely manner.

**INFORMATION SHEET ON WAIVER
OF COURT FEES AND COSTS
(California Rules of Court, rules 3.50–3.63)**

FW-001-INFO

If you have been sued or if you wish to sue someone, and if you cannot afford to pay court fees and costs, you may not have to pay them if:

1. You are receiving **financial assistance** under one or more of the following programs:
 - SSI and SSP (Supplemental Security Income and State Supplemental Payments Programs)
 - CalWORKs (California Work Opportunity and Responsibility to Kids Act, implementing TANF, Temporary Assistance for Needy Families, formerly AFDC, Aid to Families with Dependent Children Program)
 - The Food Stamp Program
 - County Relief, General Relief (G.R.), or General Assistance (G.A.)

If you are claiming eligibility for a waiver of court fees and costs because you receive financial assistance under one or more of these programs, and you did not provide your Medi-Cal number or your social security number and birthdate, you must produce documentation confirming benefits from a public assistance agency or one of the following documents, unless you are a defendant in an unlawful detainer action:

PROGRAM	VERIFICATION
SSI/SSP	Medi-Cal Card or Notice of Planned Action or SSI Computer-Generated Printout or Bank Statement Showing SSI Deposit or "Passport to Services"
CalWORKs/TANF (formerly known as AFDC)	Medi-Cal Card or Notice of Action or Income and Eligibility Verification Form or Monthly Reporting Form or Electronic Benefit Transfer Card or "Passport to Services"
Food Stamp Program	Notice of Action or Food Stamp ID Card or "Passport to Services"
General Relief/General Assistance	Notice of Action or Copy of Check Stub or County Voucher

-OR-

2. Your total gross **monthly household income** is equal to or less than the following amounts:

NUMBER IN FAMILY	FAMILY INCOME
1	\$ 1,128.13
2	1,517.71
3	1,907.30
4	2,296.88
5	2,686.46

NUMBER IN FAMILY	FAMILY INCOME
6	\$ 3,076.05
7	3,465.63
8	3,855.21
Each additional person	389.59

-OR-

3. Your income is not enough to pay for the common **necessaries** of life for yourself and the people you support and also pay court fees and costs.

To apply, fill out the Application for Waiver of Court Fees and Costs (form FW-001) available from the clerk's office. If you claim no income, you may be required to file a declaration under penalty of perjury. Prison and jail inmates may be required to pay up to the full amount of the filing fee.

If you have any questions and cannot afford an attorney, you may wish to consult the legal aid office, legal services office, or lawyer referral service in your county (listed in the Yellow Pages under "Attorneys").

If you are asking for review of the decision of an administrative body under Code of Civil Procedure section 1094.5 (administrative mandate), you may ask for a transcript of the administrative proceedings at the expense of the administrative body.



United States Department of
Health & Human Services

THE 2009 HHS POVERTY GUIDELINES

One Version of the [U.S.] Federal Poverty Measure

[[Federal Register notice, January 23, 2009 \(PDF - 3 pages\)](#)
[[Prior Poverty Guidelines and Federal Register References Since 1982](#)]
[[Frequently Asked Questions \(FAQs\)](#)]
[[Further Resources on Poverty Measurement, Poverty Lines, and Their History](#)]

There are two slightly different versions of the federal poverty measure:

- The poverty thresholds, and
- The poverty guidelines.

The **poverty thresholds** are the original version of the federal poverty measure. They are updated each year by the **Census Bureau** (although they were originally developed by Mollie Orshansky of the Social Security Administration). The thresholds are used mainly for **statistical** purposes — for instance, preparing estimates of the number of Americans in poverty each year. (In other words, all official poverty population figures are calculated using the poverty thresholds, not the guidelines.) [Poverty thresholds since 1980](#) and [weighted average poverty thresholds since 1959](#) are available on the Census Bureau's Web site. For an example of how the Census Bureau applies the thresholds to a family's income to determine its poverty status, see "[How the Census Bureau Measures Poverty](#)" on the Census Bureau's web site.

The **poverty guidelines** are the other version of the federal poverty measure. They are issued each year in the *Federal Register* by the **Department of Health and Human Services (HHS)**. The guidelines are a simplification of the poverty thresholds for use for **administrative** purposes — for instance, determining financial eligibility for certain federal programs. The [Federal Register notice with the 2009 poverty guidelines \(PDF - 3 pages\)](#).

The poverty guidelines are sometimes loosely referred to as the "federal poverty level" (FPL), but that phrase is ambiguous and should be avoided, especially in situations (e.g., legislative or administrative) where precision is important.

Key differences between poverty thresholds and poverty guidelines are outlined in a table under [Frequently Asked Questions \(FAQs\)](#). See also the [discussion of this topic](#) on the Institute for Research on Poverty's web site.

Persons in family	Poverty guideline
1	\$10,830
2	14,570
3	18,310
4	22,050
5	25,790
6	29,530
7	33,270
8	37,010

For families with more than 8 persons, add \$3,740 for each additional person.

Computation Sheet

Number in Family	2009 Federal Poverty Guidelines (A)	125% of Poverty Guidelines (B) (B = A x 125%)	2009 California Monthly Income (C) (C= B / 12)
1	\$10,830	\$13,537.50	\$1,128.13
2	14,570	18,212.50	1,517.71
3	18,310	22,887.50	1,907.30
4	22,050	27,562.50	2,296.88
5	25,790	32,237.50	2,686.46
6	29,530	36,912.50	3,076.05
7	33,270	41,587.50	3,465.63
8	37,010	46,262.50	3,855.21
Each additional person	3,740	4,675	389.59

Voting members

- Please indicate your **vote, sign, and fax** the signature pages to the attention of **Roma Cheadle** at 415-865-4332 by **5 p.m.**, February 9, 2009, if possible.
- If you are unable to reply by February 9, 2009, please do so as soon as possible.
- Additionally, **return the original** signature page to the Secretariat Office, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California 94102-3688. **Keep a copy for your records.**

Advisory members

- The circulating order is being faxed to you for your information only. There is no need to sign or return anything.

The Judicial Council of California

The Judicial Council approves the *Information Sheet on Waiver of Court Fees and Costs* (Form FW-001-INFO):

My vote is as follows:

Approve

Disapprove

Abstain

/s/
Ronald M. George, Chair

George J. Abdallah, Jr.

/s/
Raymond G. Aragon

/s/
Marvin R. Baxter

/s/
Tani Cantil-Sakauye

/s/
Anthony P. Capozzi

Ellen M. Corbett

Lee Smalley Edmon

/s/
Peter Paul Espinoza

Mike Feuer

/s/
Terry B. Friedman

Brad R. Hill

My vote is as follows:

Approve

Disapprove

Abstain

_____/s/
Richard D. Huffman

_____/s/
Carolyn B. Kuhl

_____/s/
Thomas M. Maddock

_____/s/
Joel S. Miliband

_____/s/
Dennis E. Murray

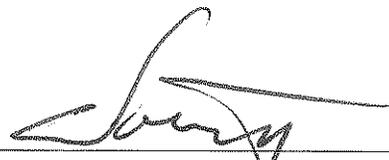
James N. Penrod

_____/s/
Winifred Younger Smith

_____/s/
Sharon J. Waters

_____/s/
J. Michael Welch

Date: February 10, 2009

Attest: 

Administrative Director of the Courts
and Secretary of the Judicial Council