

Atestasyon de endijans

Reprezante
tèt ou nan yon
degèpisman

Mande tribinal la pou pa chaje w frè ak pri yo

Si ou bezwen ale nan tribinal la, men ou paka peye frè ak pri pou pwosè w la, ou ka pa peye pou yo. Tribinal la ka "renonse l" ou by pa chaje frè yo epi fè leta pey lòt pri yo.

Si grefye tribinal la ou byen jij la apwouve fòmilè yo, ou pap gen pou peye frè tribinal ak pri yo.

Itilize atestasyon de endijans lan

Di tribinal la ke ou paka peye frè ak pri yo ki nan pwosè w la, epi

Mande tribinal pou renonse a frè jidisyè yo epi fè leta peye pou lòt pri yo.

Ou ka bezwen itilize **Sipleman pou Atestasyon de Endijans lan** tou.

Ou ka genyen fòmilè yo nan livrè sa ou byen nan biwo grefye yo nan nenpòt tribinal ou byen an liy:

Atestasyon de Endijans lan

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

Sipleman pou Atestasyon de Endijans lan

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

Ou ka konplete yon Atestasyon de Endijans an liy tou: apps.suffolkclitlab.org/start/indigency

Fòmilè sa se **sèlman** pou tribinal eta Massachusetts. Tribinal federal yo gen fòmilè diferan e yo gen règ diferan.

LIVRE

9

Kesyon ki komen konsènan atestasyon de endijans lan

Kòman m ka montre tribinal la ke m pa ka peye pou pwosè mwen an?

Ou pa ta dwe oblije peye pou pri tribinal la si:

A. Ou jwenn nenpòt nan benefis sa yo:

- ☐ Èd tranzisyonèl nan Massachusetts pou fanmi avèk timoun endepandan (TAFDC)
- ☐ Èd dijans nan Massachusetts pou granmoun, pou andikape ak timoun (EAEDC)
- ☐ Revni sekirite siplemantè (SSI)
- ☐ MassHealth
- ☐ Benefis pou veteran yo nan Massachusetts

Revni ke rezidans ou bay la mwens ke 125% de liy direktris federal povrete aktyèl la. Itilize revni ke rezidans ou bay la **aprè** ou fin retire taks. Wè liy direktris federal povrete aktyèl la: mass.gov/doc/poverty-threshold-guidelines/download

C. Ou paka peye frè la jistis **epi** pou peye pou bezwen fondamantal tankou manje, refij avèk rad. Si w genyen pou chwazi ant peye pou frè la jistis ou byen bezwen fondamantal ou yo, revni w ba ase.

Ki frè ke tribinal la pwal renonse a li ou byen lap fè leta peyel?

Si tribinal la apwouve atestasyon de endijans ou a, yo can renonse ou byen fè leta peye 2 tip de frè - frè ak pri nòmal epi frè ak pri siplemantè.¹

Tribinal la **paka** peye pou avoka ou a.

Frè ak pri nòmal

Frè ak pri nòmal yo se sa yo ke tout moun dwe peye nan jan de ka ke w enplike. Yo enkli:

- ☐ Frè dosye yo ak frè siplemantè.
- ☐ Frè pou fotokopi, pou delivrans ou byen pou sètifye papye yo.
- ☐ Frè pou yon jandam ou byen ofisye pou sèvi dokiman tribinal la.
- ☐ Frè pou temwen ou byen pou manda a.
- ☐ Pri pou pibliye avi a pou prosè ou a, epi
- ☐ Frè pou apèl ak frè siplemantè.

Frè ak pri siplemantè

Si ou genyen pri ak frè ki pa konsidere kòm etan frè ak pri nòmal, yo se "frè ak pri siplemantè."

¹ Frè ak pri nòmal epi frè ak pri siplemantè nòmal yo defini nan [MGL, Chapit 261, Seksyon 27A](#).

Egzanp de frè ak pri siplemantè yo se:

- ☐ Pri pou chèk ekspè, enspeksyon ak temwanyaj.
- ☐ Pri pou pran yon depozisyon de temwen.
- ☐ Pri pou mande yon anrejistreman de odyans ou a si ou rele pwosè ou a.
- ☐ Obligasyon pou apèl

Èske atestasyon pou endijans mwen an konfidansyèl?

Wi. Atestasyon pou endijans ou a konfidansyèl. **Sèlman** moun ki ka wè l epi moun kap renonse a ke w te pran nan tribinal la yo se wou, avoka ou a ak moun tribinal la peye, tankou:

- ☐ Pèsonèl otorize nan tribinal la,
- ☐ Ofisye polis la ou byen jandam lan ki sèvi avè ou a, ou byen
- ☐ Sèvis frakti nan jounal la siw bezwen pibliye avè ou a.

Tribinal la dwe te ekri yon pèmasyon pou montre ou byen voye kopi fomilè ou yo bay nenpòt lòt moun. Si w bezwen yon lòt moun pou wè fomilè ou a ou byen moun kap renonse a frè yo, ekri tribinal la. Ekri non moun lan nan lèt ou a epi bay tribinal la pèmasyon pou montre ou byen voye kopi moun lan. Bay moun lan ou bezwen pou wè fomilè ou yo yon kopi lèt ou a.

Ou pa oblije bay kopi fomilè a ou byen egzonerasyon frè a kenn lòt moun nan pwosè w la. Si yon lòt pati nan pwosè w la vle wè dokiman yo, yo dwe jwenn lòd nan tribinal la.

Kòman pou m aplike?

1. Konplete atestasyon de endijans lan e siyen l. Wè **Ranpli atestasyon de endijans lan** sou paj 7.
2. Depoze **atestasyon de endijans** lan avèk grefye tribinal la.
3. Si tcheke kategori (C) sou atestasyon an, ou bezwen tou pou ranpli **sipleman an pou atestasyon de endijans lan**.

Kisa ki pase aprè m fin depoze atestasyon de endijans mwen an?

Siw depoze lòt papye tribinal la nan menm moman an kòm atestasyon de endijans, grefye a dwe depoze e ekri dat nan tout bagay nan dat ou bay grefye a yo a. Si w paka peye pou frè tribinal la, grefye a dwe toujou depoze papye a nan menm dat la.

- ☐ Si w mande sèlman pou **pri nòmal** sou atestasyon de endijans lan, grefye adwe apwouve l yon fwa e ba w yon "egzonerasyon frè." Grefye a ta dwe voye yon atestasyon pou yon jij **selman** si yo panse gen yon pwoblèm avèk aplikasyon w lan.
- ☐ Si w mande pou **Pri siplemantè**, grefye a ka apwouve demand ou an. Si yo pa apwouve demand ou a, grefye a dwe prezante l bay yon jij nan delè 5 jou. Jij la dwe apwouve demand ou an san yon odyans.

Grefye yo dwe kite w depoze lòt papye tribinal la menm si tribinal la pa apwouve atestasyon de endijans ou tou suit.

Èske m dwe bay grefye a plis enfòmasyon?

Si w tcheke kategori A ou byen B, grefye a pata dwe mande w enfòmasyon. Grefye a pa ta dwe mande prèw konsènan nenpòt asistans piblik ke jwenn ou byen revni. Yo pa ta dwe diw pou w konplete yon **Sipleman pou atestasyon an**. Epi yo pa dwe voye atestasyon ou an bay yon jij si w konplete fòmilè a korèkteman.

Si w tcheke kategori C, ou dwe ranpli **Sipleman pou atestasyon an**. Grefye a ta dwe sèlman voye atestasyon ou a bay yon jij si grefye a kwè ke w **te ka** peye pou frè depozit la e toujou peye pou la manjay, refij ak rad.

Kisa m ka fè si grefye a mande m plis enfòmasyon?

Si w tcheke kategori A ou byen B, ou ka:

- Bay grefye a yon kopi de enstriksyon yo a staf tribinal la nan paj XX livrè sa. Di yo ke enstriksyon sa yo te ekri pa la kou siprèm jidisyè pou ede staf tribinal la.
- Mande grefye a pou pale ak sipèvizè yo a.
- Rele èd jiridik lokal ou pou mande èd.
- Bay grefye a dokiman sipleman yo si w genyen yo, men ou pa oblije.

Èske m dwe pale ak yon jij?

Si yon jij bezwen pale avè w konsènan atestasyon de endijans ou a, ou pwal gen yon odyans. Yon jij ka **sèlman** refize pou renonse a frè tribinal si yo kenbe yon odyans. Si ou gen yon odyans, eksplike a jij la pouki ou bezwen dokiman yo ou byen sèvis yo pou pwosè ou a.

Siw tcheke kategori C, e ou gen yon odyans avan yon jij, vini avèk prèw de revni ou, tankou fich pèman, epi vini avèk prèw de depans tankou pri swen timoun, fakti pou sèvis piblik, pèman pou machin ak fakti medikal.

Èske tribinal la ka refize pou renonse a kèk nan pri yo?

Tribinal la ka aksèpte pou renonse a kèk nan frè yo ou byen fè leta peye kèk nan demand de pri yo men pa tout. Men ou dwe gen yon odyans an premye avan yon jij.

Kisa ki ap pase si tribinal la rejte atestasyon de endijans mwen an?

Si grefye a pa apwouve aplikasyon ou a, grefye a dwe otomatikman voye l pou yon jij pou revizel.

Si w pa dakò ak desizyon yon jij, ou ka "rele" nan yon pi gwo tribinal pou revize desizyon an. Tribinal yo bay delè ki kout pou w ka rele. Ou dwe aji rapid. Mande nan biwo grefye a konsènan kòman pou w ka rele e kontak èd legal.

Ranpli atestasyon de endijans lan

SEKSYON 1

Tcheke sèlman 1 yon bwat ki eksplike poukisa revni ou twò piti pou peye frè la jistis ou a:

Kategori (A)

Ou jwenn benefis de:

- ☐ Èd tranzisyonèl nan Massachusetts pou fanmi avèk timoun endepandan (TAFDC)
 - ☐ Èd dijans nan Massachusetts pou gramoun, pou andikape ak timoun (EAEDC)
 - ☐ Revni federal sekirite sipleman (SSI)
 - ☐ Benefis pou veteran yo nan Massachusetts
 - ☐ MassHealth (formerly Medicaid)
- si ou tcheke MassHealth epi ou jwenn lòt benefis, tcheke lòt benefis yo tou.

Kategori (B)

Revni rezidans ou a, aprè taks yo, li mwens ke 125% de liy direktris aktyèl la. **Gouvènman federal la mizajou liy direktris sa yo chak ane.** Wè liy direktris povrete [MassLegalHelp.org](https://www.masslegalhelp.org) la.

Kategori (C)

Revni ou a plis ke 125% de povrete nan kategori B. Men si ou te peye frè tribinal la, ou patap ka peye pou la manjay, refij ou byen rad.

Sak ap pase si m tcheke A ou byen B?

Si w pran kategori A ou byen B ou selman ka mande **pou yon egzonerasyon de pri nòmal la**, grefye a ta dwe apwouve **atestasyon de endijans** ou a otomatikman. Men fòmilè a dwe konplete.

Si w mande pou yon **egzonerasyon de pri sipleman**, grefye a ka voye w pale avèk yon jij pou w eksplike pouki ou bezwen bagay ke w ap mande a.

Sak ap pase si m tcheke C?

Si w tcheke kategori C, ou dwe ranpli yon lòt fòmilè, **Sipleman pou atestasyon de endijans lan**. Grefye yo ka apwouve atestasyon ou a si ou tcheke kategori C. Grefye a sèlman bezwen pou voye fòmilè yo bay yon jij si yo kwè ke ou **kapab** peye pou frè yo nan pwosè ou a e peye pou bezwen fondamantal ou yo.

SECTYON 2 ak 3

Nan seksyon 2 ak seksyon 3 nan **atestasyon de endijans lan**, tcheke bwat yo ki a kote pri ke w bezwen pou tribinal la renonse a li ou byen peye. Epi fè lis pri ki pa deja nan fòmilè a. Pa egzanp:

- Si w depoze yon pwosè, tcheke bwat pou tribinal "frè de dosye ak nenpòt taks an plis." Ou ka twouve frè de dosye anliy [mass.gov/courts/court-info/filing-fees](https://www.mass.gov/courts/court-info/filing-fees)
- Si w bezwen pou w genyen yon ofisye ou byen yon lòt ajan sinifi dokiman tribinal la, tcheke bwat ki a kote frè ou byen pri pou sèvis konvokasyon tribinal la, pou temwen, pou manda ou byen lòt papye tribinal la.
- Si w bezwen pibliye avi ou nan jounal, tcheke bwat ki a kote "Lòt frè ou byen pri" epi antre pri ke w estime a.

Si w pa konnen pri yon bagay ke w bezwen pou pwosè ou a, fè lis sèvis ke w bezwen an epi yon bon estimasyon de pri. Ou ka mande grefye tribinal la tou konsènan pri yo.

Tribinal la paka peye pou avoka ou a.

Pita nan pwosè w la, si w bezwen lòt pri nan tribinal la tankou manda pou temwen ou byen pri pou pran depozisyon pou temwen yo, depoze yon lòt atestasyon de endijans pou pri sa yo.

Si ou pa peye tout montan pou tout pri yo, tribinal la ta dwe toujou aksepte aplikasyon ou a.

Kisa ki yon ranplasman de sèvis?

Nan seksyon 2 ak 3, dènye bwat la se pouranplasman. Yon tribinal ka òdone yon fason ki pa fasil ou byen bese pri a pou founi sèvis ke w bezwen an. Pa egzanp, yon tribinal ka òdone ke ou ka poste avi yo nan sètan kote olye de pibliye yon avi nan yon jounal.

Ou ka mande pou yon metòd de ranplasman nan liy sa nan aplikasyon ou a.

Siyen atestasyon an

Siyen atestasyon de endijans lan. Lèw siyen, ou jire ke tout bagay ke w mete nan fòmilè a se verite, kòm ou konnen.

Kisa ou dwe pote nan tribinal la lè wap depoze yon atestasyon?

Si ou tcheke kategori (A) ou byen (B), ou sèlman bezwen pou w pran atestasyon pou tribinal la. Ou pa oblije vini ak kenn lòt bagay. Ou ka pote dokiman ki montre ke w fè benefis ou byen revni ou a. Men ou pa oblije vini avè ankenn prèv.

Si ou tcheke kategori (C), pran atestasyon an epi sipleman an pou tribinal la. Vini avèk prèv de revni ou a, tankou fich de pèman ak depans, tankou pri pou swen timoun, fakti pou sèvis piblik, pèman pou machin, ak fakti medikal nan ka si ou bezwen pou genyen yon odyans avan yon jij.

Enstriksyon pou itilizatè fòmilè ki tradwi yo

Ranpli fòmilè sa a epi apre sa kopye enfòmasyon ou yo nan fòmilè anglè a nan paj 11.

Remèt fòmilè ki ann anglè sèlman bay tribinal la ansanm ak pwopriyetè ou oswa avoka li a.

Kenbe fòmilè Kreyòl ayisyen lan ak yon kòpi fòmilè anglè a pou dosye ou.

Ou gen dwa ak yon entèprèt gratis

Anvan ou ale nan randevou tribinal ou, rele tribinal la epi mande pou biwo Grefye Tribinal la.

Si w pa ka jwenn nimewo telefòn tribinal la sou dokiman tribinal ou genyen an, chache li anliy.

Itilize Zouti pou Lokalize yon Tribinal ki nan mass.gov/courthouse-locator.

Di grefye a ke w bezwen yon entèprèt.

Si w ale nan tribinal la an pèsòn, ou ka montre kat sa a bay grefye tribinal la:

masslegalhelp.org/language-rights/free-interpreter-en-hc.pdf

Tribinal yo angaje pou yo sèvi moun ki pale tout lang

Tout tribinal ki nan eta Massachusetts ta dwe ba w yon entèprèt si w bezwen youn.

Si w pa ka jwenn èd ke w bezwen nan men yon pèsònèl tribinal la oswa yon entèprèt, ou ka depoze yon plent anliy:

macourtsystem.formstack.com/forms/language_access_complaint

Fòmilè sa a se pou referans ou sèlman. Pa remèt li bay tribinal la.

ETA MASSACHUSETTS
ATESTASYON DE ENDIJANS
AK DEMAND POU EGZONERASYON FRÈ, RANPLASMAN
OU BYEN PÈMAN DE FRÈ & PRI PA LETA

(Nòt: si ou **aktyèlman penitansye ou byen prizon** epi ou pap chèche lage anba G.L. c. 248 §1, men wap pousuiv staf koreksyonèl la e swete mande tribinal la pou pèman frè nòmal yo (pou sèvis inisyal ak depoze dosye), **pa itilize fòmilè sa**. Obteni fòmilè yo separeman nan men grefye a.)

Tribinal	Non pwosè a ak nimewo a (si w konnen l)	
Non moun kap aplike a: _____		
Adrès: _____		
(Ri ak nimewo)	(Vil ou byen pwovens)	(Eta ak kòd postal)

SEKSYON 1: Anba pwovizyon lwa jeneral yo, Chapit 261, Seksyon 27A-27G, M jire (ou byen afime) jan yo di l la:

Mwen nan la mizè nan sa (*tcheke sèlman yonn*):

- A.** M resevwa asistans piblik anba (tcheke fòmilè asistans piblik ke w resevwa a):
- ☐ Èd tranzisyonèl nan Massachusetts pou fanmiy avèk timoun endepandan (TAFDC)
 - ☐ Èd dijans nan Massachusetts pou granmoun, pou andikape ak timoun (EAEDC)
 - ☐ Benefis pou veteran yo nan Massachusetts
 - ☐ Medikaman (MassHealth)
 - ☐ Revni federal sekirite siplemantè (SSI); **or**
- B.** Revni m nan, mwens enpo soti nan pèman mwen an, se \$_____ pa semèn mwa ane (kwoche peryòd ki aplike a) pou yon kay ki gen _____ moun ladan l, ki se mwen menm epi _____ depandan ; revni sa a egal ak oswa pi ba a ke limit povrete a pou sistèm tribinal la ;
- (Nòt : Levèl sistèm povrete tribinal la pou rezidans de yon varyete de dimansyon dwe afiche nan palè de jistis la. Si w paka twouve li, mande grefye a ou byen tcheke an liy nan : <https://www.mass.gov/doc/poverty-threshold-guidelines/download>. Levèl sistèm povrete tribinal la mizajou chak ane).
- Fè lis nenpòt lòt rezidans disponib pou peryòd ki tcheke a nan liy sa \$_____ ; **or**
- C.** M pa stab pou m peye frè ak pri pwosedi sa, ou byen m pa stab pou m fè sa san ke m pa depose tèt mwen ou byen depandans mwen de nesite la vi yo, ki genyen manje, refij avèk rad.

SIW TCHEKE (C), OU DWE KONPLÈTE SIPLEMAN POU ATESTASYON DE ENDIJANS LAN.

SEKSYON 2: (Nòt : Pandan wap konplete fòmilè sa, silvouplè eseye pi presi ke posib de mèm pou frè ak pri ke w konnen nan moman depozisyon demand sa. Yon demand siplemantè ka depoze nan pita, si nesesè.)

Mwen mande ke sa ki suiv **FRÈ AK PRI NÒMAL YO** dwe renonse (pa chaje m) pa tribinal la, ou byen peye pa leta, ou byen ke tribinal òdone ke yon dokiman, yon sèvis ou byen yon objè ranplase san okenn pri (ou byen a ba pri, peye pa leta): (Tcheke ke tout aplike epi, nan nenpòt "\$_____" vid, endike meye estimasyon ou de pri a, **si w konnen l.**)

- ☐ Depo de frè ak nenpòt taks siplemantè. \$_____
- ☐ Depo de frè ak nenpòt taks siplemantè pou apèl. \$_____
- ☐ Frè ou byen pri pou sèvi kòm konvokasyon pou tribinal la, pou temwen, pou manda ou byen lòt papyè tribinal la. \$_____
- ☐ Lòt frè ou byen pri de \$_____ pou (presize): _____
- ☐ Ranplasman (presize): _____

SEKSYON 3: Mwen mande ke sa ki suiv **FRÈ AK PRI SIPLEMANTE** tou dwe renonse (pa chaje'm), ranplase ou byen peye pa leta:

- ☐ Pri, \$_____, pou sèvis ekspè yo pou yo tcheke, pou enspeksyon, pou temanyaj, ou byen lòt asistans (presize): _____
- ☐ Pri, \$_____, pou pran epi/ou byen transkri yon depozisyon de (presize non moun lan): _____
- ☐ Kopi kasèt yon anrejistreman pa bann de eprè la ou byen lòt pwosedi, te bezwen prepare pou apèl pou moun ki aplike a ki pat prezante pa komisyon sèvis avoka piblik (CPCS-public defender).
- ☐ Obligasyon pou apèl
- ☐ Pri, \$_____, pou prepare yon transkripsyon de eprè la ou byen lòt pwosedi
- ☐ Lòt frè ak pri yo, \$_____, pou (presize): _____
- ☐ Ranplasman (presize): _____

Sinye anba pèn de akt kontradiktwa

X

Dat li sinye

Sou lòd tribinal siprèm jidisyè a, tout enfòmasyon nan atestasyon sa KONFIDANSYÈL. Eksèpte pa lòd spesyal de yon tribinal, li pap difize bay nenpòt lòt pèsonèl ke tribinal ki otorize, moun ki aplike a, avoka moun ki aplike a, ou byen nenpòt moun otorize pa moun ki aplike a lekri.

Fòmilè sa preskri pa chèf la jistis de SJC konfòmman a G.L. c. 261, § 27B. Pibliye an mas 2003.

COMMONWEALTH OF MASSACHUSETTS
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

Date signed

X _____

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.

ETA MASSACHUSETTS

SIPLEMAN POU ATESTASYON DE ENDIJANS LAN

AK DEMAND POU EGZONERASYON FRÈ, RANPLASMAN
OU BYEN PÈMAN DE FRÈ & PRI PA LETA

(Nòt: Si w tcheke (C) sou ATESTASYON DE ENDIJANS LAN, ou dwe konplete fòmilè a.)

_____ Tribunal _____ Non pwosè a ak nimewo a (si w konnen l)

Non moun ki aplike a: _____

Adrès: _____
(Ri ak nimewo) (Vil ou byen pwovens) (Eta ak kòd postal)

Anba dispozisyon de lwa jeneral yo, Chapit 261, Seksyon 27A-27G, m jire ou byen m afime kòm li di:

1. Enfòmasyon pèsònèl

- A. Dat nesans: _____
- B. Pi wo nivo nan lekòl: _____
- C. Antrènman spesyal: _____
- D. Fè lis nenpòt andikap fizik ou byen mantal ke w swete pou revele epi ki afekte kapasite pou w genyen ou byen depans pou w viv:

- E. Nonm de moun ki depann: _____

2. Revni aprè taks yo (pa mwa)

- A. Si se de anplwa, fè lis okipasyon ou ak non epi adrès anplaye a:

- B. Sous de revni, si se pa de anplwa:

- C. Tout revni anyèl mwen an pou douz mwa pase a te:
\$ _____
- D. Tout revni (pa mwa): \$ _____

E. Taks ki redui yo pa (pa mwa):

Taks federal	\$ _____
Taks leta	\$ _____
Sekirite sosyal	\$ _____
Swen medikal	\$ _____
Lòt taks (presize) _____	\$ _____
Taks total ki redui	\$ _____

F. Revni total apre taks yo (soustrè 2(e) de 2(d)): \$ _____

G. Si nenpòt lòt manb nan rezidans ou se anplwaye, fè lis okipasyon, non ak adrès anplwaye a epi mete revni li apre taks yo:

3. Revni pwòp (pa mwa)

A. Revni aprè taks yo

B. Depans (pa mwa):

Lwaye ou byen prè \$ _____	Depans medikal ki pa asire \$ _____
La manjay \$ _____	Swen timoun \$ _____
Elektrisite \$ _____	Depans pou edikasyon pou timoun \$ _____
Gas \$ _____	Pansyon alimantè pou timoun \$ _____
Lwil \$ _____	Abiye \$ _____
Lwil \$ _____	Lave/Netwaye \$ _____
Telefòn \$ _____	Asirans machin \$ _____
Asirans sante \$ _____	Depans pou transpò \$ _____

Lòt (presize): _____

Depans total \$ _____

C. Revni aprè depans negatif yo (pa mwa) (soustrè 3(b) de 3(a)): \$ _____

4. Aktif yo

- A. Domisil pwòp? Wi ☐ Non ☐ Valè mache \$ _____ Balans ou dwe \$ _____
- B. Machin ou achte? Wi ☐ Non ☐ Ane ak fè _____
Valè mache \$ _____ Balans ou dwe \$ _____
- C. Kont bankè yo (presize tip ak balan) _____

- D. Lòt pwopriyete ki enkli vrè domèn (presize tip ak valè) _____

5. Dèt yo

- A. Presize: _____

6. Divèsite

- A. Lòt fè ki ka enpòtan nan kapasite w pou peye frè ak pri yo?

Sinye anba pèn pou akt kontradiktwa: Sinyati X _____

Tip/non enprime: _____

Adrès: _____

Vil: _____ Eta: _____ Kòd postal: _____

Dat li sinye: _____

Sou lòd tribinal siprèm jidisyè a, tout enfòmasyon nan atestasyon sa **KONFIDANSYÈL**. Eksèpte pa lòd spesyal de yon tribinal, li pap difize bay nenpòt lòt pèsonèl ke tribinal ki otorize, moun ki aplike a, avoka moun ki aplike a, ou byen nenpòt moun otorize pa moun ki aplike a lekri.

Fòmilè sa preskri pa chèf la jistis de SJC konfòmeman a G.L. c. 261, § 27B. Pibliye an mas 2003

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.