

**ADMINISTRATIVE ORDER**

**SUPREME COURT OF APPEALS OF WEST VIRGINIA**

RE: DETERMINING ELIGIBILITY FOR WAIVER OF FEES, COSTS OR SECURITY  
IN CIVIL CASES FOR THE YEAR 2015

**WHEREAS**, The West Virginia Legislature, in enacting and amending W.Va. Code § 59-2-1; has provided that the Supreme Court of Appeals or the Chief Justice thereof shall establish and periodically review and update financial guidelines for determining the eligibility of civil litigants to proceed *in forma pauperis*; and

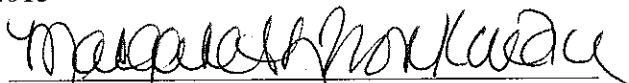
**WHEREAS**, the Supreme Court of Appeals adopted Rule 77(e) of the West Virginia Rules of Civil Procedure, and Rule 22 of the Rules of Civil Procedure for the Magistrate Courts of West Virginia, in accordance with W.Va. Code § 59-2-1; and

**WHEREAS**, an Administrative Order entered March 23, 2011, provides that the financial guidelines for determining the eligibility of civil litigants to proceed *in forma pauperis* shall be set based on 150 percent of the federal poverty guidelines in effect on January 1st of each year, and Ordered the Administrative Director to update the financial guidelines on an annual basis for the Court's consideration; and


**IT IS THEREFORE ORDERED**, that the financial guidelines attached hereto and incorporated herein by reference shall be in effect from the date of the entry of this Order until the date of the entry of a subsequent updated Order for 2016, and thereafter shall be set based on 150 percent of the federal poverty guidelines in effect on January 1<sup>st</sup> of each year or until such time as otherwise directed by further administrative order of the Chief Justice.

**IT IS FURTHER ORDERED**, that the Administrative Director is to update the financial guidelines on an annual basis for the Court's consideration.

ENTERED: Feb. 10, 2015

  
MARGARET L. WORKMAN  
Chief Justice

Attest:

  
Rory L. Perry II, Clerk  
Supreme Court of Appeals

**Financial Guidelines  
for Determining Eligibility for Waiver  
of Fees, Costs, or Security in Civil Cases  
in the West Virginia Courts  
From 15 January 2015, until Directed Otherwise  
by Administrative Order of the Chief Justice**

(W.Va. Code §59-2-1, West Virginia Rules of Civil Procedure, Rule 77(e), and Rules of Civil Procedure for Magistrate Court, Rule 22.)

When determining eligibility for waivers, court personnel shall consider citizens' right of access to the court and right to the benefit of court services.

**A. Determining Eligibility for Waiver by Clerk or Deputy Clerk**

Applications for waiver of fees, costs or security in a civil domestic case should be granted if the following applies:

- the applicant's annual total income (Line C1a) is less than the amount reflected on the income chart below for the number of dependents listed in Line C2b; **AND**
- the amount of applicant's liquid assets (Line C3) minus \$500 is less than the applicant's totaled monthly expenses (Line C4b) multiplied by 12; **UNLESS**
- the value of applicant's personal property minus any existing debt thereon (Line C5b) is more than the income chart amount.

**B. Reviewing Eligibility for Waiver by the Court**

The Court may take into account all information provided in the affidavit, any evidence submitted in the action, and the income chart below, and may require the party alleging eligibility for waiver to provide additional information, including financial documents, beyond the application/affidavit, satisfactory to the Court.

**C. Income Chart (January 2015)<sup>1</sup>**

Number of People Dependent on Household Income	Yearly Net Income
1	\$17,500
2	\$23,500
3	\$29,500
4	\$35,500
5	\$41,500
6	\$47,500
7	\$53,500
8	\$59,500

For families with more than eight (8) members, add \$6,000 for each additional person.

<sup>1</sup> Based on Poverty Income Guidelines for the U.S. Department of Health and Human Services. *Federal Register*, 79 FR 3593, January 22, 2014, pp 3593 – 3594. This chart is to be updated annually based on the Poverty Income Guidelines in effect on January 1<sup>st</sup> of each year.