

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

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

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

WHEREAS, this Court 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 West Virginia Code § 59-2-1; and

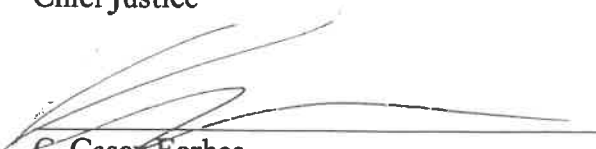
WHEREAS, an administrative order of this Court entered on March 23, 2011, provides that the financial guidelines for determining the eligibility of civil litigants to proceed *in forma pauperis* shall be set based on 150 percent of the federal poverty guidelines in effect on January 1st of each year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

IT IS ORDERED that the financial guidelines attached to this order and incorporated by reference in this order shall be in effect from January 1, 2026, until the date of entry of a subsequent order determining eligibility for waiver of fees, costs, or securities, or until such time as otherwise directed by further administrative order of the Chief Justice.

DATED: January 6, 2026




C. HALEY BUNN
Chief Justice


C. Casey Forbes
Clerk of Court

Financial Guidelines
For determining eligibility for waiver
of fees, costs, or security in civil cases
in the West Virginia Courts
From January 1, 2026, 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.)

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 yearly income (Section C.1a) is less than the amount indicated on the income chart (below) for the number of dependent's entered on Line C.2b, **AND**
- The amount of the applicant's liquid assets (Line C.3) *minus* \$500 is less than the applicant's total monthly expenses (Line C.4b) multiplied by 12; **UNLESS**
- The total value of the applicant's personal property minus any outstanding debts on the property (Line C.5b) is more than the applicable amount indicated on the income chart.

B. Reviewing Eligibility for Waiver by the Court

The court may consider all information in the affidavit, any evidence submitted in the action, and the income chart below. The Court may also require the applicant to provide additional information, including financial documents beyond the application/affidavit, to its satisfaction.

C. Income Chart 2026¹

| Number of people dependent on household income | Yearly net income |
|--|-------------------|
| 1 | \$23,475.00 |
| 2 | \$31,725.00 |
| 3 | \$39,975.00 |
| 4 | \$48,225.00 |
| 5 | \$56,475.00 |
| 6 | \$65,475.00 |
| 7 | \$72,975.00 |
| 8 | \$81,225.00 |

For families with more than eight (8) members, add \$8,250.00 for each additional member.

¹Based on the "Poverty Guidelines for the U.S. Department of Health and Human Services. *Federal Register, 90 FR 5917*, Filed 1-17-25. This chart is to be updated annually based on the Poverty Income Guidelines in effect on January 1st of each year. By administrative order of this Court entered on March 23, 2011, financial guidelines for waivers are set at 150 percent of the federal poverty guidelines.