

PCA Policy Manual  
**507 WAIVER OF FEES AND PAYMENT OF EXPENSES  
FOR INDIGENT PETITIONERS, RESPONDENTS AND  
CONSERVED PERSONS**

## **POLICY**

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A petitioner is obligated to pay the entry fee and certain other expenses, such as marshal's fees and the cost of newspaper notices, associated with the matter that he or she initiates. If a court determines that a petitioner is indigent, the court shall waive the entry fee and any other applicable probate fees. In addition, various statutes provide for the payment from the Probate Court Administration Fund ("PCAF") of certain expenses for a petitioner who is indigent.

A respondent in a conservatorship, commitment, adult guardianship or children's matter is responsible for his or her own expenses unless a court determines that the respondent is indigent. Various statutes and probate court regulations provide for the payment of certain of an indigent respondent's expenses from the PCAF. Statutes and regulations also provide for the payment of conservators and attorneys on behalf of conserved persons who are indigent and for the payment of attorneys for minor children in removal, reinstatement, termination, and emancipation matters.

This policy addresses the mechanisms by which a court determines whether a petitioner or respondent is indigent and the procedures for submitting requests to PCA for payment of expenses from the PCAF.

## **GENERAL INFORMATION**

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Form PC-184 is filed with the probate court to request a determination whether a **petitioner** is indigent.

Form PC-184A is filed with the probate court to request a determination whether a **respondent** is indigent. This form should also be used to establish indigency for minor children and conserved persons.

Both forms require information about household income and size. Figures for gross monthly household income from employment, deductions from pay, and net monthly income from employment must be listed, and paycheck stub(s) for each employed household member must be attached. Other household income must be listed in the next section.

Household assets must be listed next, followed by the total monthly expenses of the petitioner's/respondent's household for rent, food, etc. The judge may approve or deny the request by using the applicable check-off boxes at the bottom of the forms.

The standards for indigency are listed below. The court need not hold a hearing on the petition, but the court must determine if the petitioner is indigent based on the figures supplied.

## Standards for Determining Indigency

C.G.S. § 52-259b(b) provides a rebuttable presumption that a person is indigent and unable to pay the entry fee or cost of service if (1) he or she receives public assistance OR (2) the person's annual income is 125% or less of the federal poverty level after taxes, mandatory wage deductions, and child care expenses. Public assistance includes: state-administered general assistance; temporary family assistance; aid to the aged, blind, and disabled; food stamps; and SSI. Please note that C.G.S. § 52-259b(c) states: "[N]othing in this section shall preclude the court from finding that a person whose income does not meet the criteria of subsection (b) of this section is indigent and unable to pay a fee or fees or the cost of service of process." It also states that if an application for a waiver is denied, the clerk shall schedule a hearing on the application at the request of the applicant.

The chart below shows the current federal poverty level and 125% of the poverty level.

<b>Size of Family Unit</b>	<b>Poverty Level (Annual Income – 2011)</b>	<b>125% of Poverty Level</b>
1	\$10,890 (\$209.42 weekly)	\$13,612.50 (\$261.78 weekly)
2	\$14,710 (\$282.88 weekly)	\$18,387.50 (\$353.60 weekly)
3	\$18,530 (\$356.35 weekly)	\$23,162.50 (\$444.43 weekly)
4	\$22,350 (\$429.81 weekly)	\$27,937.50 (\$537.26 weekly)
5	\$26,170 (\$503.27 weekly)	\$32,712.50 (\$629.09 weekly)
6	\$29,990 (\$576.73 weekly)	\$37,487.50 (\$720.91 weekly)
7	\$33,810 (\$650.19 weekly)	\$42,262.50 (\$812.74 weekly)
8	\$37,630 (\$723.65 weekly)	\$47,037.50 (\$904.57 weekly)
For each additional person, add:	\$ 3,820 (\$73.46 weekly)	\$4,775 (\$91.83 weekly)

## PROCEDURES

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### Forms PC-184 and PC-184A

Courts should obtain forms PC-184 or PC-184A, as applicable, from a party requesting a fee waiver or payment of expenses at the commencement of the matter. Courts should periodically obtain updated forms to determine whether there has been any change in the party's financial condition.

Forms PC-184 and PC-184A should be retained at the court for review during audits. The forms should not be sent to PCA.