

**Financial Guidelines
for Determining Eligibility for Waiver
of Fees, Costs, or Security in Civil Cases
in the West Virginia Courts
From 1 July 2011, 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.)

In making determinations of eligibility for waiver of fees, costs, or security, authorized court personnel shall be mindful of citizens' right of access to the court and right to the benefit of court services.

A. Initial Determination of Eligibility for Waiver by Clerk or Deputy Clerk

If the amount in Line C1a of the affidavit is less than the amount shown in the income chart below for the number of dependents listed in Line C2b of the affidavit AND the amount in Line C3 minus \$500 is less than the amount in Line C4b (times twelve (12)) of the affidavit, THEN the application for waiver should be granted UNLESS the amount in Line C5b of the affidavit is more than the income chart amount.

B. Review of 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 2010)*

Number of People Dependent on Household Income	Yearly Net Income
1	\$16,000
2	\$22,000
3	\$27,000
4	\$33,000
5	\$39,000
6	\$44,000
7	\$50,000
8	\$56,000

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

*Based on Poverty Income Guidelines for the U.S. Department of Health and Human Services. 42 U.S.C. 9902(2). Federal Register, Vol. 75, No. 14, August 3, 2010, pp 45628-45629.

This chart is to be updated annually based on the Poverty Income Guidelines in effect on January 1st of each year.