

OPG Commission meeting
Director Report
01.22.20

Purpose: The Director Report will provide detailed information about new matters, updates about the previous month's matters, and next steps for the following month. The Director will provide the Director Report to all Commission members. Questions about the Director Report will be addressed at the Commission meetings, if necessary.

I. Administrative Infrastructure Update.

- a. Meeting with PR Court Clerk scheduled for 01.15.2020 to discuss office space for Public Guardians and Staff Assistant. Public Guardians will be in cubicles with PR Court Staff. Staff Assistant will be housed next to Director.
- b. Judicial IT is procuring computer hardware for Public Guardians and Staff Assistant.
- c. REVISIONS, CMS company, is procuring licensing for Microsoft 365, creating website and CMS.
- d. Procuring cell phones for Public Guardians and Director for everyday business and on-call weekend/holidays.

II. Budget and MOU Update.

- a. I applied for Statewide Internet Portal Authority (SIPA) Microgrant Program 2019 – 2020 on 12.30.19: <https://sipa.colorado.gov/micro-grant>
 - i. Micro-Grant funding is for projects that support SIPA's mission of providing residents access to government through effective and efficient online and mobile technologies. It can be awarded to an entity using a SIPA approved partner. REVISIONS is a SIPA partner.

- ii. Award of \$6,500.00 to be used toward OPG CMS or website.
Grant recipients announced February 10 – 14, 2020.

III. SMART Act Hearing

- a. Met with Terry Scanlon, SCAO Legislative Liaison, on 12.10.19 to prepare.
- b. **I will attend the Joint Judiciary Committee SMART Government Act Hearing on 01.14.2020** & present an update of the CO OPG.

IV. Stakeholder Engagement Plan.

- a. I completed a Stakeholder Engagement Plan draft and emailed to AG and Commission for review on 12.31.19. Deb Bennett-Woods provided feedback and I added her comments to the draft. I emailed the revised draft to AG and Commission on 01.13.2020.
 - i. I need to think more about how to incorporate a system within the Stakeholder Engagement Plan to allow for stakeholders to be the investigative party for the Referral Procedure.
- b. I'd like to submit a proposal for an OPG presentation for the 2020 Colorado Judicial Conference, September 13 – 15, anticipating some months of data collection, guardianship practices, etc. See attachment.

V. Colorado OPG Personnel Policies. No new update.

VI. Colorado OPG Fiscal Policies draft. No new update.

VII. Colorado OPG Pilot Program Operating Policies. In progress. Drafting Operating Policies also entails determining specific protocols such as intake, eligibility and prioritization. There are items that need to be addressed and I welcome input and feedback.

- a. **Indigency issue.** Resolved. Thanks to feedback at the December OPG Commission meeting, the OPG will collect information and

determine indigency as formulated by C.R.S. 13-16-103 and the Supreme Court of Colorado Chief Justice Directive 98-01. See attachments.

- b. The requested information follows Form JDF 205. The Income Eligibility Guideline are as established by the U.S. Department of Health and Human Services (See Federal Register 84 CFR 1167, 02/01/2019) and will be updated accordingly. See attachments.
- c. While the referring party will need to determine indigency, the OPG has an obligation to ensure a referred individual is indigent. Therefore, I intend to adopt the indigency standards outlined in the Attachments and will require the referring party to complete documentation indicating indigency. In most cases, I anticipate that referred individuals will have minimal personal assets and income of Social Security Administration (SSA), Veterans Administration (VA) or State benefits that are at or below the income eligibility guidelines.
- d. **Representative Payee, etc. issue.** Ongoing. As determined at the December OPG Commission meeting, the OPG should not manage client funds. **Sueanna Johnson and I discussed creating an Action Plan for items that the AG will be working on for the CO OPG. This is an action item. I am meeting with Sueanna Johnson and her replacement, Deb Enck, on 01.15.2020 for further discussion.**
- e. **Intake Eligibility and Prioritization.** Initially, the number of accepted cases will need to be phased in over the course of months. The rate of case acceptance will also depend on the experience levels of the newly hired Public Guardians. Initially, the OPG may accept cases on a first come, first served basis. I anticipate the number of referrals will far exceed the OPG caseload capacity. There is a need to track all referrals and coding them according to the following: Referral, Accepted, Closed due

to incomplete referral, Closed due to other guardian found, Closed due to death, Closed due to termination of guardianship, etc.

- i. As determined at the December OPG Commission meeting, the OPG will proceed with an online referral process, knowing that it will need to be reevaluated.
- ii. During the stakeholder engagement process, the OPG will educate stakeholders of the online referral process and consider input in to designing alternative options. It may also be feasible to create a system within the Stakeholder Engagement Plan to allow for stakeholders to be the investigative party.

f. **Data gathering, and CMS coding issues.** Ongoing.

- i. **Consideration needs to be given of the need for referrals to continue during periods when OPG is at capacity and cannot accept new cases.**
- ii. **DHS – Policy Unit and Office of Community Access & Independence may attend the Commission meeting to be included in the discussion of Data Gathering.**
- iii. **Dr. Lotta Granholm-Bentley – Executive Director of Colorado Evaluation and Action Labs. We have a meeting on 02.10.2020 to discuss a possible partnership for data gathering.**
<https://coloradolab.org/>
- iv. **I need contact information for Lynn Taussig. I cannot locate any current contact information.**

VIII. **Human Resource Update.** In progress. There was a delay in HR reaching references due to the holidays, but they were completed last week. The goal is for new employees to start the last week of January.

- a. I made a contingent offer for the Staff Assistant position.

- b. I made 4 contingent offers for the Public Guardian positions – background checks pending.
- c. I required all individuals to provide a release for a criminal background check and provide a credit report and score, even though at last meeting we discussed that OPG would not be Rep Payee.
- d. **CAPS check: Deputy AG Sueanna Johnson worked DHS – APS, Mindy Gates. It was determined that APS cannot provide access to CAPS database now, but we can work on legislation together to allow for OPG to be an approved CAPS entity.**
 - i. **All job offers included contingent language regarding CAPS checks.**

IX. **Colorado OPG Strategic Plan.** Drafted and I am accepting feedback. It is likely that a more complete Strategic Plan will be available as the program matures.

X. **Stakeholder Meeting Update** since 12.18.19

- a. 12.30.19: Meeting with Yolanda Webb – Director, and Mindy Gates – Deputy Director, DHS Office of Community Access & Independence
 - i. Discussion of how programs can assist each other with guardianship and placement issues and data gathering.
- b. 12.30.19: Meeting with Maureen Welch.
 - i. Discussion of stakeholder engagement and concerns.
- c. 01.06.20: Representative Marc Snyder
 - i. Discussion of CO OPG history and potential for long-bill request in the Fall 2020
- d. 01.09.20: Attorneys – Ayo Labode, Michael Graetz, Celia Harned
 - i. Discussion concerning target population of individuals with criminal cases who have been determined incompetent. Discussion of OPG case acceptance of individuals and difficulty of placement

- e. 01.09.20: John Stewart, Administrator Kenton Manor, Greeley CO
 - i. Discussion of the need for guardianship services in Greeley. Discussion of creating a collaborative team and seeking input and contacts.
- f. 01.16.20: CBA Fiduciary Committee Meeting – TBD.

2020 Judicial Conference Request for Proposals

Submission Deadline
March 6, 2020

We are seeking proposals from presenters and speakers for the 2020 Colorado Judicial Conference to be held September 13 – 15 in Vail, Colorado.

Our annual conference provides an opportunity for the state's judicial officers to attend educational seminars hosted by subject matter experts in various fields of law, including civil, county, criminal, domestic relations, ethics, emerging issues, juvenile and VAWA. Attendees will include judicial officers from all levels of Colorado Judicial, including the Supreme Court, Court of Appeals, district court, county court and magistrates.

We are seeking presentation proposals for 60- or 75-minute breakout sessions.

Preference will be given to proposals that complement the overall Judicial Education Plan and meet the following criteria:

- Shares progressive and innovative research and practices
- Offers information that furthers professional development, growth and experience
- Promotes the exchange of materials, techniques, information and ideas that apply to judicial officers statewide
- Illustrates practical applications for the information provided
 - Offers clear, focused and measurable learning objectives
 - Delivers information utilizing adult learning principles

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[CO - Colorado Revised Statutes Annotated](#) [TITLE 13. COURTS AND COURT PROCEDURE](#) [COSTS](#) [ARTICLE 16. COSTS - CIVIL ACTIONS](#)

13-16-103. Costs of poor person

(1) If the judge or justice of any court, including the supreme court, is at any time satisfied that any person is unable to prosecute or defend any civil action or special proceeding because he is a poor person and unable to pay the costs and expenses thereof, the judge or justice, in his discretion, may permit such person to commence and prosecute or defend an action or proceeding without the payment of costs; but, in the event such person prosecutes or defends an action or proceeding successfully, there shall be a judgment entered in his favor for the amount of court costs which he would have incurred except for the provision of this section, and this judgment shall be first satisfied out of any money paid into court, and such costs shall be paid to the court before any such judgment is satisfied of record.

(2) In determining whether a plaintiff in an action brought pursuant to article 4 of title 14, C.R.S., may be permitted to proceed without the payment of costs, the court shall take into account only those assets to which the plaintiff has direct access. The court shall not consider assets which the plaintiff is unable to directly access even though the plaintiff may have an ownership interest in those assets.

History

Source:

R.S. p. 154, Section 3. G.L. Section 325. G.S. Section 399. R.S. 08: Section 1076. C.L. Section 6592. CSA: C. 43, Section 22.L. 47: p. 458, Section 5. CRS 53: Section 33-1-3. C.R.S. 1963: Section 33-

1-3.L. 64: p. 220, Section 44.L. 79: Entire section amended, p. 600, Section 21, effective July 1.L.
91: Entire section amended, p. 239, Section 3, effective July 1.

▼ Annotations

Case Notes

ANNOTATION

I. General Consideration.

II. Habeas Corpus Proceedings.

III. Reporter's Transcript.

I. GENERAL CONSIDERATION.

Law reviews. For article, "Motions in Forma Pauperis: The First Step in Access to Justice", see 28 Colo. Law. 29 (April 1999).

This section requires a judicial officer of any court, trial or appellate, to permit an indigent plaintiff to exercise the statutory right to appeal without the payment of costs. *Bell v. Simpson*, 918 P.2d 1123 (Colo. 1996).

The plain language of subsection (1) requires a judicial officer of any court, trial or appellate, to permit an indigent plaintiff to exercise the right of appeal without payment of costs, and district court erred in dismissing plaintiff's appeal for failure to post an appeal bond in the amount of \$250 ordered by the county court at the same time it found that he was indigent. *Rodden v. Colo. State Penitentiary*, 52 P.3d 223 (Colo. 2002).

The sole and only purpose of this section is to aid the indigent litigant in getting into court in effect, opening the courts of justice to the poor person. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

This section aids in administering justice "without sale". *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

To be entitled to a waiver of "costs", the litigant must not only be "a poor person" who is not able to pay the costs, but also is unable to pay the expenses of the civil action or proceeding. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

The inability to pay expenses is, in effect, a test of indigency under this section. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

"In forma pauperis". Although this section does not use the term "in forma pauperis", this phrase is commonly employed to describe the petition for waiver of costs authorized by this section. *Cook v. District Court ex rel. County of Weld*, 670 P.2d 758 (Colo. 1983).

Whether payment of costs may be deferred is a matter of judicial discretion. From an analysis of this section it appears that, in the first instance, whether a litigant may commence or defend an action or proceeding without the payment of costs rests within the sound judicial discretion of the judge. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970); *Medina v. District Court*, 177 Colo. 185, 493 P.2d 367 (1972); *Collins v. Jaquez*, 15 P.3d 299 (Colo. App. 2000).

Judge's discretion in reviewing petition to commence without payment of costs. In the absence of factors such as bad faith or a plainly frivolous claim, the general assembly intended that the judge's discretion in reviewing a petition to commence and prosecute an action without payment

of costs be limited to determining whether the petitioning party has the financial resources to pay the costs and expenses incident to the litigation. *Cook v. District Court ex rel. County of Weld*, 670 P.2d 758 (Colo. 1983).

Where plaintiff acted promptly to submit his amended in forma pauperis (IFP) motion, the granting of the amended motion should relate back to the filing of the original IFP motion. *Fraser v. Colo. Bd. of Parole*, 931 P.2d 560 (Colo. App. 1996).

In determining whether a prisoner may proceed under this section without payment of costs, the court may consider the person's complete financial condition, including the timing and nature of the prisoner's spending in the weeks immediately preceding commencement of the action. *Vance v. District Ct. of Fremont County*, 908 P.2d 1189 (Colo. App. 1995).

But a prisoner need not be destitute to proceed without payment of costs, nor must a prisoner develop a savings plan to provide for the possibility that he or she may want to file an action while incarcerated. Prisoners need not deprive themselves of the small amenities that they are allowed to acquire in order to qualify to proceed without payment of costs. *Vance v. District Ct. of Fremont County*, 908 P.2d 1189 (Colo. App. 1995).

Court must abuse discretion to reverse its order. To reverse an order denying such a request to proceed in forma pauperis, the court must have "abused its discretion". *Medina v. District Court*, 177 Colo. 185, 493 P.2d 367 (1972).

Finding by trial court of nonindigency not supported by record. *Medina v. District Court*, 177 Colo. 185, 493 P.2d 367 (1972).

This section does not apply to appeals from justice to county courts. *Spain v. Murry*, 77 Colo. 197, 235 P. 338 (1925).

Nor does it apply to the prosecution of writs of error. In *Ferrara v. Auric Mining Co.* (20 Colo. App. 411, 79 P. 302 (1905)) it is stated that the rulings of the supreme court are to the effect that this section does not apply to the prosecution of writs of error. *Spain v. Murry*, 77 Colo. 197, 235 P. 338 (1925).

The court is not confined to any particular stage in the progress of a case, after it is instituted, either before or after the trial is begun, in granting this permission; and certainly in the absence of any showing of an abuse by the trial court of its discretion under this section, or of injury or prejudice to the defendant, neither of which is made to appear in this case, a court of review will not interfere. *Peck v. Farnham*, 24 Colo. 141, 49 P. 364 (1897).

Security required under Section 13-16-102 may not be excused or deferred under this section. *Lewis v. Keim*, 883 P.2d 610 (Colo. App. 1994) (disapproved of by supreme court in *Walcott v. District Ct., 2nd Jud. Dist.*, 924 P.2d 163 (Colo. 1996)).

This section provides judges with the authority to waive cost requirements under Sections 13-16-101 and 13-16-102 and, therefore, provides sufficient authority to permit a plaintiff to proceed when the plaintiff is a poor person and unable to pay costs and expenses. *Walcott v. District Ct., 2nd Jud. Dist.*, 924 P.2d 163 (Colo. 1996).

II. HABEAS CORPUS PROCEEDINGS.

While habeas corpus may, of course, be found to be a civil action for procedural purposes, it does not follow that its availability in testing the state's right to detain any indigent prisoner may be subject to the payment of a filing fee. *Williams v. District Court*, 160 Colo. 348, 417 P.2d 496 (1966).

This section guarantees it to poor persons. The legal device existing in the state which provides this equal protection in the postconviction civil remedy of habeas corpus is contained in and governed by this section, which allows a poor person to proceed without the payment of costs in a civil action on his making a showing of poverty. *Williams v. District Court*, 160 Colo. 348, 417 P.2d 496 (1966).

In the administration of criminal justice the indigent must be afforded access to established channels of appellate review in such manner that he is freed from the "invidious discriminations" which attach when proceeding in penury. *Williams v. District Court*, 160 Colo. 348, 417 P.2d 496 (1966).

There is no higher duty than to maintain the federal writ of habeas corpus unimpaired and unsuspended save only in the cases specified in the federal constitution. When an equivalent right is granted by a state, financial hurdles must not be permitted to condition its exercise. *Williams v. District Court*, 160 Colo. 348, 417 P.2d 496 (1966).

Judges have restricted discretion when habeas corpus is sought. Federal constitutional standards require consideration of the "freedom writ" in a quasi-criminal light when state procedures are tested for equal protection, and the discretion normally allowed the court under this section is restricted by very tangible federal limitations. *Williams v. District Court*, 160 Colo. 348, 417 P.2d 496 (1966).

Courts cannot saddle defendant with costs even when habeas petition is denied. The supreme court sees no difference of substance save subtlety between the "invidious discrimination" worked by a fee imposed upon an indigent before he is allowed to petition, which he cannot pay, and a fee saddled upon him after dismissal, which he also cannot pay. Both practices are effective deterrents. *Williams v. District Court*, 160 Colo. 348, 417 P.2d 496 (1966).

Invidious discrimination. To fasten a financial burden only upon those unsuccessful appellants who are confined in state institutions is to make an invidious discrimination. *Williams v. District Court*, 160 Colo. 348, 417 P.2d 496 (1966).

III. REPORTER'S TRANSCRIPT.

Section does not give a right to a free transcript. This section does not give an individual, found to be a pauper within the meaning of the statute, a right to a trial transcript without cost in order to prosecute an appeal. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

Transcript is not, by definition, a writ, process, or proceeding. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

The fees for the preparation of a transcript by a reporter are not payable to the court and the court cannot waive them. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

This section only permits the waiver by the judge of costs chargeable by the court. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

The supreme court may find other means of affording adequate and effective appellate review to indigent defendants than through a reporter's transcript. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

Section does not violate Section 6 of art. II, Colo. Const. Although this section does not require that a trial transcript without cost be provided, Section **13-16-103** is not violative of Section 6 of art. II, Colo. Const. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

A transcript is not an absolute necessity in the reviewing court. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

Colorado, under its rule-making power, has augmented the waiver of costs by simplifying the requirements for a record. The supreme court, consonant with the spirit of this section to ease the burden on litigants, adopted C.A.R. 10. A discussion of this rule should dispel any implications that Colorado denies an effective review of trial court judgments by not providing free reporters' transcripts. *Alvarez v. Carpenter*, 173 Colo. 284, 477 P.2d 792 (1970).

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SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE
Costs for Indigent Persons in Civil Matters

I. Statutory Authority

Section 13-16-103 C.R.S. provides for an indigent person to prosecute or to defend in a court proceeding without the payment of costs, at the discretion of the judge. In the event that the indigent person successfully prosecutes or defends an action or proceeding, a judgment shall be entered in favor of the indigent person for court costs. If these costs are collected by the indigent person, that person shall pay the court in the amount of court costs which were waived.

II. Indigency Determination

A petitioner or plaintiff or a respondent or defendant in a civil case must be indigent to proceed in a court action without the payment of costs. Indigency should be determined by using the attached procedures.

III. Costs That May Not Be Waived

Any obligation for payment to a person or entity other than the State of Colorado, which arises in the course of prosecuting or defending a civil action or special proceeding is not one which can be waived on the basis of a party's indigency. Waiver of costs is limited to those fees and expenses owed to the state and does not apply to fees and expenses owed to other persons or entities. Therefore, transcript fees, witness fees, and process server fees cannot be waived by the court. As set forth in Section 13-16-124 C.R.S., if the party delivers the documents for service of process to the sheriff, the court cannot waive the sheriff's fee. The sheriff must make that determination.

IV. Costs That May Be Waived

If the court determines the person to be indigent, any costs owed to the state may be waived. Such costs would include filing fees, reasonable copy fees, jury fees, E-file and E-service fees, and research fees. If the court delivers the documents for service of process to the sheriff, the court can waive the sheriff's fee and pay such fees from mandated costs.

V. Installment Payment Procedure

A petitioner or plaintiff or a respondent or defendant in a civil case determined not to be indigent may proceed to pay the filing fee in installments, in accordance with the attached procedures.

VI. Dispute Resolution Fees

Fees owed in relation to dispute resolution services are an obligation to another person or entity and so cannot be waived; however if the party is found to be indigent and there are available funds to pay the fees, fees may be reduced. If the Office of Dispute Resolution (ODR) funds are available, the funds may be used to assist with payment for ODR services in accordance with the attached procedures.

Amended as to the installment payments and dispute resolution fees, August, 2011.

Done at Denver, Colorado, this 19th day of August, 2011.

/s/
Michael L. Bender, Chief Justice

**PROCEDURES FOR THE WAIVER OF COURT COSTS IN CIVIL CASES ON THE
BASIS OF INDIGENCY**

As set forth in CJD 98-01, Section II., all persons requesting waiver of court costs in civil actions or proceedings on the basis of indigency must follow the following procedures:

1. Procedures for the Determination of Indigency by Court Staff or Legal Service Provider

a. Process for Evaluating Indigency

The following procedures are used for applicants in cases addressed in CJD 98-01 where the applicant is not represented by an attorney or the applicant is represented by an attorney of or obtained through a legal service provider qualified to certify CLE hours for pro bono representation pursuant to C.R.C.P. 260.8 (Legal Service Provider).

i. Completion of JDF 205 form by Applicant: Filing Fee

Persons requesting waiver of court costs must complete, or have completed on their behalf, the Motion to File Without Payment and Supporting Financial Affidavit, form JDF 205, and submit it to the court or to the Legal Service Provider.

ii. Completion of JDF 211 form by Applicant: ODR fees

Persons requesting reduction of fees for ODR services must complete, or have completed on their behalf, the Request to Reduce Payment for Office of Dispute Resolution Services, form JDF 211, and submit it to the court, or ODR staff as directed; except that if an indigency Order has been made using JDF 206 within six (6) months of the ODR scheduled service, then such order shall determine indigency for ODR services and JDF 211 does not need to be completed.

iii. Review of Financial Information by Court Staff or Legal Service Provider

Court staff or Legal Service Provider reviews the applicant's information on form JDF 205 and supporting documentation if requested to determine whether the applicant is indigent on the basis of three factors:

- Income*
- Liquid assets**
- Expenses***

iv. Filing of Order for Indigent Persons Not Represented through a Legal Service Provider

Once indigency status is determined for a person not represented through a Legal Service Provider, court staff completes Finding and Order Concerning Payment of Costs, form JDF 206.

v. Filing of Notice for Indigent Persons Represented by an Attorney of or Obtained Through a Legal Service Provider

Once indigency status is determined by the Legal Service Provider, the Provider completes JDF Form 203, which the attorney representing the indigent person files in the case with the court by e-filing or other authorized filing method. Upon filing of form JDF 203, the waivable costs are waived. The Legal Service Provider shall maintain the completed JDF 205 form for a period of three years following conclusion of the case or representation of the client, whichever is the later date. The State Court Administrator's Office may request to view any such records, and such request may not be refused.

b. Criteria for Indigency

An applicant qualifies for waiver of court costs in civil cases if his or her financial circumstances meet either set of criteria described below.

i. Income is at or below guidelines / Liquid assets equal \$0 to \$1,500

If the applicant's income is at or below the income eligibility guidelines (see the "Monthly Income Guideline" and "Yearly Income Guideline" columns in the chart on the following page) and he or she has liquid assets of \$1,500 or less, as determined on form JDF 205, the applicant is indigent and eligible for waiver of court costs in civil cases.

ii. Income is up to 25% above guidelines / Liquid assets equal \$0 to \$1,500 / Monthly expenses equal or exceed monthly income

If the applicant's income is up to 25% above the income eligibility guidelines (see the "Monthly Income Guideline plus 25%" and "Yearly Income Guideline plus 25%" columns in the chart on the following page); the applicant has assets of \$1,500 or less; and the applicant's monthly expenses equal or exceed monthly income, as determined on form JDF 205, the applicant is indigent and eligible for waiver of court costs.

2. Procedures for the Determination of Indigency When Applicant is Represented by an Attorney of an agency funded by the Legal Services Corporation pursuant to 45 C.F.R., Chapter XVI.

Process for Evaluating Indigency

Legal Services Corporation is a federally funded program for representation of indigent persons. The Code of Federal Regulations determines how applications for representation by attorneys employed by the agencies funded by the Legal Services Corporation shall be filed, reviewed, maintained, and when an applicant is deemed indigent for the purposes of representation. Because that review already takes place in order to determine eligibility for representation, and because the Legal Services Corporation may not represent someone in court who has not been deemed indigent under the Code of Federal Regulations, a further application for indigency for the purpose of waiving the filing fee under §13-16-103, C.R.S. is not necessary.

An attorney employed by an agency funded by the Legal Services Corporation or obtained through such an agency may file form JDF 203 certified by that agency. That agency shall maintain its completed determination of indigency documentation for a period of three years following conclusion of the case or representation of the client, whichever is the later date, for which waiver of court costs is obtained under these provisions. The State Court Administrator's Office may request to view any such records, and such request may not be refused.

3. Court procedures upon receipt of JDF 206 or JDF 203

- a.** When the court receives a JDF 206 form completed by court staff, the court enters an order concerning the applicant's payment of fees.
 - i.** In cases in which the criteria in 1.b. are not met but the court finds the applicant can pay in installments, the court may order a payment plan.
 - ii.** In cases in which the criteria in 1.b. are not met and extraordinary circumstances exist, the court may find the applicant indigent and waive the payment of fees. In such cases, the court shall enter a written order setting forth the reasons for the finding of indigency.
- b.** Upon filing by an attorney for an indigent person of a JDF 203 form certified by a Legal Service Provider or an agency funded by the Legal Services Corporation, the clerk of the court in which the case is filed is authorized and directed to allow the applicant to proceed in forma pauperis in court proceedings without any additional court order. **The clerk of the court may refer any notice filed by an attorney appointed by a Legal Service Provider or an agency funded by the Legal Services Corporation to a judge of the court in which the matter is pending if there is a question about the eligibility of the applicant.**

4. Processing of JDF 211

- a.** Requests for reduced dispute resolution fees through the Office of Dispute Resolution shall be in made accordance with the instructions set forth at the website: www.coloradoODR.org
- b.** Requests for reduced dispute resolution fees processed through the local courts shall be made in

INCOME ELIGIBILITY GUIDELINES (Amended January 2019)						
Family Size	Yearly Poverty Guideline	Monthly Poverty Guideline	Monthly Income*	Monthly Income plus 25%	Yearly Income*	Yearly Income plus 25%
1	\$12,490	\$1,041	\$1,301	\$1,626	\$15,613	\$19,516
2	\$16,910	\$1,409	\$1,761	\$2,202	\$21,138	\$26,422
3	\$21,330	\$1,778	\$2,222	\$2,777	\$26,663	\$33,328
4	\$25,750	\$2,146	\$2,682	\$3,353	\$32,188	\$40,234
5	\$30,170	\$2,514	\$3,143	\$3,928	\$37,713	\$47,141
6	\$34,590	\$2,883	\$3,603	\$4,504	\$43,238	\$54,047
7	\$39,010	\$3,251	\$4,064	\$5,079	\$48,763	\$60,953
8	\$43,430	\$3,619	\$4,524	\$5,655	\$54,288	\$67,859
* 125% of poverty level as determined by the Department of Health and Human Services.						
*For family units with more than eight members, add \$460 per month to "monthly income" or \$5,525 per year to "yearly income" for each additional family member.						
Source: Federal Register (84 FR 1167, 01/11/2019)						

<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff/Petitioner: _____ v. Defendant/Respondent: _____ <hr/> Attorney or Party Without Attorney: (Name & Address) _____ <hr/> Phone Number: _____ Atty. Reg. #: _____	<div style="text-align: center; font-weight: bold; margin-top: 100px;">▲ COURT USE ONLY ▲</div> <hr/> Case Number: _____ Courtroom: _____
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MOTION TO: ☐ FILE WITHOUT PAYMENT OF FILING FEE ☐ WAIVE OTHER COSTS OWED TO THE STATE AND SUPPORTING FINANCIAL AFFIDAVIT

I, _____ respectfully move the Court for an order to waive the following filing fee(s): ☐ complaint ☐ petition ☐ answer ☐ response ☐ motion to modify ☐ other: _____ and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.

All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"

Name of Applicant		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City	State	Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other: _____		
Name of Other Responsible Party(Spouse, Partner, Parent, Other Persons in Household)		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City	State	Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other: _____		
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Partner in a Civil Union <input type="checkbox"/> Divorced/Civil Union Dissolved <input type="checkbox"/> Separated <input type="checkbox"/> Widowed		

Number in Household: (including yourself) _____			
Identify Members:			
Name _____		Age _____	Relationship _____
Name _____		Age _____	Relationship _____
Gross Monthly Income (See Information on page 3)		Monthly Expenses (See Information on Page 3)	
Self (wages, salary, commission)	\$ _____	Rent or Mortgage	\$ _____
Spouse/Partner, Other Household Members	\$ _____	Groceries	\$ _____
Parents (if same household)	\$ _____	Utilities	\$ _____
Unemployment Benefits	\$ _____	Clothing	\$ _____
Social Security/Retirement Funds	\$ _____	Maintenance/Alimony and/or Child Support	\$ _____
Maintenance/Alimony	\$ _____	Medical/Dental	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
Total Income	\$ _____	Total Expenses	\$ _____
Cash on Hand (Cash you are carrying or which is stored at home, etc.)	\$ _____	Credit Cards: (Show type and balance owed)	
		Type: _____ Balance \$ _____	
		Type: _____ Balance \$ _____	
Checking Account Balance	\$ _____	Name/Address of Bank: _____	
Savings Account Balance	\$ _____	Name/Address of Bank: _____	
Stocks, Bonds, or other Investments Held Balance	\$ _____	_____ Type of Investment Name/Location of Company/Corporation _____	
Vehicles Owned (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$ _____	Year _____ Model _____ License Plate _____ Year _____ Model _____ License Plate _____	
House(s) or other Property Estimate Value	\$ _____	Amount owed \$ _____ Year Purchased _____	
IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.			

I swear under penalty of perjury that all information provided is true and complete. In addition, if requested I will provide three (3) months of bank statements and pay stubs or other comparable proof of income status. I authorize the Court to make any necessary contacts to verify the information.

Signature: _____ Date: _____

MOTION TO FILE WITHOUT PAYMENT SUPPORTING FINANCIAL AFFIDAVIT, AND SUPPORTING DOCUMENTATION REQUESTED

General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

A. Gross Monthly Income. Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

Note: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

B. Liquid Assets. Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

Expenses. Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 205.

If you are applying to have your filing fee waived you may be asked to supply:

- Copies of the previous three months bank statements, including checking and savings. **DO NOT provide originals.**
- Copies of the previous three months pay stubs and/or proof of income must be included. **DO NOT provide originals.**

<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ Plaintiff/Petitioner: v. Defendant/Respondent: _____ Attorney or Party Without Attorney: (Name & Address) _____ Phone Number: _____ Atty. Reg. #: _____	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="font-size: 2em; margin: 0 10px;">▲</div> <div style="font-weight: bold; margin: 0;">COURT USE ONLY</div> <div style="font-size: 2em; margin: 0 10px;">▲</div> </div> <div style="margin-top: 20px;"> Case Number: _____ Courtroom: _____ </div>
REQUEST TO REDUCE PAYMENT FOR ODR SERVICES AND SUPPORTING FINANCIAL AFFIDAVIT	

I, _____ respectfully request to reduce my payment for Office of Dispute Resolution Services and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.
All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"

Name of Applicant		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable)		
City _____ State _____ Zip Code _____ <input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: Work Address: Work Phone #: () Dates Employed: <input type="checkbox"/> Hours/Week: _____ Pay Rate: \$ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other:		
Name of Other Responsible Party (Spouse, Partner, Parent, Other Persons in Household)		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable)		
City _____ State _____ Zip Code _____ <input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: Work Address: Work Phone #: () Dates Employed:		
Hours/Week: _____ Pay Rate: \$ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other:		
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Partner in a Civil Union <input type="checkbox"/> Divorced/Civil Union Dissolved <input type="checkbox"/> Separated <input type="checkbox"/> Widowed Number in Household: (including yourself) _____		

Identify Members:			
Name _____	Age _____	Relationship _____	
Name _____	Age _____	Relationship _____	
Gross Monthly Income (See Information on page 3)		Monthly Expenses (See Information on Page 3)	
Self (wages, salary, commission)	\$ _____	Rent or Mortgage	\$ _____
Spouse/Partner/Other Household Members	\$ _____	Groceries	\$ _____
Parents (if same household)	\$ _____	Utilities	\$ _____
Unemployment Benefits	\$ _____	Clothing	\$ _____
Social Security/Retirement Funds	\$ _____	Maintenance/Alimony	\$ _____
Maintenance/Alimony	\$ _____	Child Support	\$ _____
Other Income (identify)	\$ _____	Medical/Dental	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
Total Income	\$ _____	Total Expenses	\$ _____
Cash on Hand (Cash you are carrying or which is stored at home, etc.)	\$ _____	Credit Cards: (Show type and balance owed)	
		Type:	Balance \$ _____
		Type:	Balance \$ _____
		Type:	Balance \$ _____
Checking Account Balance	\$ _____	Name/Address of Bank: _____	
Savings Account Balance	\$ _____	Name/Address of Bank: _____	
Stocks, Bonds, or other Investments Held Balance	\$ _____	Type of Investment Name/Location of Company/Corporation	
		Type of Investment Name/Location of Company/Corporation	
Vehicles Owned (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$ _____	Year Model License Plate	
		Year Model License Plate	
House(s) or other Property Estimate Value	\$ _____	Amount owed, Year Purchased	
IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.			

I swear under penalty of perjury that all information provided is true and complete. In addition, if requested I will provide three (3) months of bank statements and pay stubs or other comparable proof of income status. I authorize the Court or ODR to make any necessary contacts to verify the information that I provide.

Signature: _____

Date: _____

General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

B. Gross Monthly Income. Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

Note: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

C. Liquid Assets. Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

D. Expenses. Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 205.

County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> _____ County, Colorado Court Address: _____ Plaintiff/Petitioner: _____ v. Defendant/Respondent/Co-Petitioner: _____	<div style="display: flex; justify-content: space-between; align-items: center;"> ▲ ▲ </div> <div style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> COURT USE ONLY </div> Case Number: _____ <div style="display: flex; justify-content: space-between;"> Division Courtroom </div>
FINDING AND ORDER CONCERNING PAYMENT OF FILING FEES	

Name of Party filing Motion: _____ on _____ (Date).

Upon review of the attached Motion, the above party is:

- ☐ Eligible to proceed without payment of the following filing fee(s):
- | | | |
|------------------------------------|---|---------------------------------------|
| <input type="checkbox"/> complaint | <input type="checkbox"/> petition | <input type="checkbox"/> answer |
| <input type="checkbox"/> response | <input type="checkbox"/> motion to modify | <input type="checkbox"/> other: _____ |
- ☐ Eligible to have the filing fee of \$_____ paid in ☐ two ☐ three payments, with the first payment due by _____ (date) and the final payment due by _____ (date).
- ☐ Not Eligible to proceed. Party is responsible for payment of the filing fees.

Date: _____

Signature of Eligibility Investigator, Clerk of Court, Judge/Magistrate

ORDER

The Court has reviewed the Motion (JDF 205) and so orders:

- ☐ As indicated above.
- ☐ The specified party is ordered to pay \$_____ by _____ (Date) to cover filing fees.
- ☐ Other _____

☐ If the Court finds that by allowing a party to proceed with a payment plan, the party has agreed to pay the fee as listed above. Failure to pay will result in collection against the party. Costs associated with collection will be assessed.

A subsequent motion to proceed without payment of filing fees must be filed upon order of the court or anytime the case is re-opened. Pursuant to §13-16-103, C.R.S., in the event the party who receives a waiver of costs prosecutes or defends an action or proceeding successfully, there shall be a judgment entered in his/her favor in the amount of the court costs and the party shall, upon collecting such court costs, remit them to the Court.

☐ The Court orders the appointment of counsel for appeal purposes.

Date: _____

☐ Judge ☐ Magistrate

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ Plaintiff/Petitioner: v. Defendant/Respondent/Co-Petitioner:		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division _____ Courtroom _____
CERTIFICATION OF DETERMINATION OF INDIGENCY		

I, _____, (name of authorized person to sign for Legal Service Provider) have determined under the provision of CJD 98-01, as amended February 2018 that _____ (name of client to be represented) is indigent based on:

☐ a review of his/her application under the Legal Services Corporation Act of 1974.

or

☐ a review of the client's Motion to File without Payment and Supporting Financial Affidavit (JDF 205). I understand that JDF 205 shall be maintained for three years following conclusion of the case or representation of the client, whichever is the later date, for which waiver of courts costs is obtained under CJD 98-01. The State Court Administrator's Office may request to view any such records, and such request may not be refused.

Based on that determination, the above-name party is eligible to have the filing fee, jury fee, if applicable, reasonable copy fees, E-file and E-service fees, and research fees waived as they relate to this case, pursuant to CJD 98-01, as amended August 2008, without additional findings or orders of the Court. If the Court delivers the documents for service of process to the Sheriff, the Court can waive the sheriff's fee and pay such fees from mandated costs.

Date: _____

Signature of Attorney filing this form with the Court

Signature and Name of Legal Services Provider
Certifying Indigency Determination

<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff/Petitioner: _____ v. Defendant/Respondent: _____ Attorney or Party Without Attorney: (Name & Address) _____ Phone Number: _____ Atty. Reg. #: _____	<div style="border: 1px solid black; height: 100px; margin: 0 auto; width: 80%;"></div> <p style="margin: 10px 0;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: _____ Courtroom: _____
MOTION TO: <input type="checkbox"/> FILE WITHOUT PAYMENT OF FILING FEE <input type="checkbox"/> WAIVE OTHER COSTS OWED TO THE STATE AND SUPPORTING FINANCIAL AFFIDAVIT	

I, _____ respectfully move the Court for an order to waive the following filing fee(s):
☐ complaint ☐ petition ☐ answer ☐ response ☐ motion to modify ☐ other: _____ and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.

All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"

Name of Applicant		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City	State	Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other: _____		
Name of Other Responsible Party(Spouse, Partner, Parent, Other Persons in Household)		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City	State	Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other: _____		

Marital Status: ☐Single ☐Married ☐Partner in a Civil Union ☐Divorced/Civil Union Dissolved ☐Separated
☐Widowed

Number in Household: (including yourself) _____

Identify Members:

Name	Age	Relationship
Name	Age	Relationship

Gross Monthly Income (See Information on page 3)		Monthly Expenses (See Information on Page 3)	
Self (wages, salary, commission)	\$	Rent or Mortgage	\$
Spouse/Partner, Other Household Members	\$	Groceries	\$
Parents (if same household)	\$	Utilities	\$
Unemployment Benefits	\$	Clothing	\$
Social Security/Retirement Funds	\$	Maintenance/Alimony and/or Child Support	\$
Maintenance/Alimony	\$	Medical/Dental	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Total Income	\$	Total Expenses	\$
Cash on Hand (Cash you are carrying or which is stored at home, etc.)	\$	Credit Cards: (Show type and balance owed)	
		Type: _____ Balance \$ _____	
		Type: _____ Balance \$ _____	
Checking Account Balance	\$	Name/Address of Bank:	
Savings Account Balance	\$	Name/Address of Bank:	
Stocks, Bonds, or other Investments Held Balance	\$	_____ Type of Investment Name/Location of Company/Corporation _____	
Vehicles Owned (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$	Year _____ Model _____ License Plate _____ Year _____ Model _____ License Plate _____	
House(s) or other Property Estimate Value	\$	Amount owed \$ _____ Year Purchased _____	

IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.

I swear under penalty of perjury that all information provided is true and complete. In addition, if requested I will provide three (3) months of bank statements and pay stubs or other comparable proof of income status. I authorize the Court to make any necessary contacts to verify the information.

Signature: _____ Date: _____