

In the Matter of Waiver or Deferral)	CHIEF JUSTICE ORDER
of Fees and Court Costs in)	No. 07-056
Civil Actions or Proceedings Pursuant to)	
ORS 21.682)	ORDER ESTABLISHING STANDARDS
)	AND PRACTICES FOR FEE WAIVERS
)	AND DEFERRALS IN CIVIL ACTIONS
)	AND PROCEEDINGS PURSUANT TO
)	ORS 21.682

Pursuant to my authority under ORS 1.002 and ORS 21.682, I ORDER all state courts to follow these standards and practices for all requests to waive or defer fees and court costs:

1. These standards apply to all requests filed in a state court to waive or defer fees and court costs.
 - (a) The court must grant a waiver of fees and court costs when:
 - (i) the applicant receives benefits from a government program whose eligibility criteria account for the applicant's household income, assets, and size; and
 - (ii) the applicant's income from all sources is less than or equal to 133 percent of the federal poverty guidelines; and
 - (iii) the applicant provides proof of current eligibility for one or more of the benefit programs listed in section (3)(a).
 - (b) Except as provided in subsection (c), after considering the applicant's household size, the court must apply the following presumptions and take one of the following actions:
 - (1) Waive fees and court costs if the applicant's household income from all sources, including food stamps, is less than or equal to 133 percent of the federal poverty guidelines.
 - (2) Defer fees and court costs if the applicant's household income from all sources, including food stamps, is between 133 and 185 percent of the federal poverty guidelines.
 - (3) Deny a request to waive or defer fees and court costs if the applicant's household income from all sources, including food stamps, equals or exceeds 185 percent of the federal poverty guidelines.
 - (c) The presumptions established by subsection (b) may be overcome if, after considering the applicant's entire financial situation, a judge determines that extenuating circumstances exist.
 - (d) A court may not consider available credit on a credit card as an asset or source of income.
2. A state court must make written findings to support an order denying an application for waiver or deferral of fees and court costs.

3. To be eligible for waiver or deferral of fees and court costs, an applicant must do one of the following:
 - (a) An applicant must file an application that lists the type of benefits received, and show proof of current benefit eligibility, if an applicant receives any of the following benefits:
 - (1) Food stamps.
 - (2) Temporary Assistance to Needy Families (TANF).
 - (3) Supplemental Security Income (SSI).
 - (4) The following Oregon Health Plan (OHP) benefit packages:
 - (i) OHP Plus,
 - (ii) OHP Standard, or
 - (iii) OHP with limited drug.
 - (b) An applicant must file a declaration that describes the applicant's household size, household income, and assets and explains all extenuating circumstances if an applicant:
 - (1) does not receive or is unable to show proof of current eligibility for the benefits listed in section (3)(a); or
 - (2) is enrolled in either of the following Oregon Health Plan (OHP) benefit packages:
 - (i) Qualified Medicare Beneficiary (QMB), or
 - (ii) Citizen Alien-Waived Emergency Medical Assistance (CAWEM).
4. The State Court Administrator will promulgate forms and instructions for state courts to use to implement this Order.
5. This Order does not apply to an application filed by an inmate subject to the provisions of ORS 30.642 to 30.650.
6. As used in this Order:
 - (a) "Deferral" means either postponing an obligation to pay fees and court costs or establishing a schedule to pay fees and court costs.
 - (b) "Federal poverty guidelines" means the current-year poverty guidelines annually established by the U.S. Department of Health and Human Services.
 - (c) "Judge" means the Chief Justice of the Supreme Court, the Chief Judge of the Oregon Court of Appeals, a judge of a circuit court, the judge of the Oregon Tax Court, and a tax court magistrate.
 - (d) "State court" means the Oregon Supreme Court, the Oregon Court of Appeals, a circuit court, and the Oregon Tax Court (Regular and Magistrate Divisions).

This Order is effective January 1, 2008.

DATED this 20th day of December, 2007.


Paul J. De Muniz
Chief Justice