

## Chippewa Cree Tribal Court

### Eligibility for Tribal Court Fee Waiver Policy

You can request a fee waiver if:

1. If you believe you cannot afford a Tribal court filing fee and can provide documentation of income and household expenses.

AND

2. You provide documentation showing that you qualify based upon one of the following criteria:
  - You are not employed and are currently receiving Temporary Assistance to Needy Families, General Assistance or Social Security Income.
  - Your household income is at or below the Federal Poverty Guidelines at the time you file.
  - You are currently experiencing financial hardship that prevents you from paying the filing fee, including unexpected medical bills or emergencies.

### Requesting a fee waiver

1. Complete the most current version of the Fee Waiver Form to request for Fee Waiver.
  - It is important that you provide all of the information requested about each basis of eligibility. If you do not provide enough information and documents to support your request, there will be a considerable delay in processing your request which will eventually lead to denying your request. Please read the form instructions carefully to avoid common mistakes.
2. Sign your fee waiver request in front of a Court Employee at the time of filing and ask that employee to sign as a witness.
3. File your fee waiver request with the petition or application for which you are requesting the fee be waived with the Clerk of Court.

### How to show that your household income is at or below the Federal Poverty Guidelines

- You must list the head of household's income on your fee waiver request. For the fee waiver request, the head of household includes, but is not limited to, the head of household as determined by the IRS for filing an IRS Form 1040 or the person that earns the majority of the income for your household.
- If you are requesting a fee waiver based on household income that is at or below the Federal Poverty Guidelines and your spouse lives out of the house and provides support to your household, include your spouse's contributions to your household in the total

additional income or financial support section. If your spouse living out of the home is unemployed and is supported by you, state that on the form. If your spouse lives out of the home and provides no support to your household, please include a statement explaining the situation.

- We will consider homelessness when reviewing a fee waiver request. If you receive services from a homeless shelter, please include a currently dated letter from the shelter. The letter should be on the shelter's letterhead, include a statement that you receive services from the shelter, and be signed by a shelter employee attesting to your situation. If you are homeless but do not reside in a shelter, please include an affidavit from a member of good standing in your community who knows you and can support your claim that you are homeless and unable to pay the fee(s).

### **Federal Poverty Guidelines**

<b>Members in the household</b>	<b>Income</b>
1	\$12,060
2	\$16,240
3	\$20,420
4	\$24,600
5	\$28,780
6	\$32,960
7	\$37,140
8	\$41,320

### **How to show that you have a financial hardship**

- Include a detailed description of why you have financial hardship on the form and provide evidence.
- If you cannot provide evidence of financial hardship, include in your description an explanation of why you cannot provide evidence. It is always advisable to include an affidavit from a member of good standing in your community who knows you and can provide more insight into your situation.
- If you lost all forms of evidence in a natural disaster, fire, robbery, or through other means, include an explanation in your description. Please provide a copy of a police report, insurance claim or other report, if available, to support your claim.

### **Determining who counts toward your household size and income**

You count someone as part of your household size if that person is:

- You, the head of your household (if not you). If the child (under 21 years of age) is applying individually, provide the information of the primary custodial parent;
- Your spouse living with you (if you are separated or your spouse is not living with you, do not include your spouse); or
- Any of the following family members who live with you: Your children or legal wards, who are unmarried and under 21 years of age;
- Your children or legal wards, who are unmarried and are at least 21 years of age but under 24 years of age, are full-time students, and who live with you when not at school;
- Your children or legal wards, who are unmarried and for whom you are the legal guardian because they are physically or developmentally disabled or mentally impaired to the extent that they cannot adequately care for themselves and cannot establish, maintain, or re-establish their own household;
- Your parents; and
- Any other dependents listed on your federal tax return, or on your spouse's or head of household's federal tax returns.
- You must include the annual income of your household members as part of your household income.

Example: My relative or roommate lives with me, does their income count toward my household income?

- If someone lives with you but does not meet the definition of a household member as described above, do not count that person's income as part of your household income. You should count the specific amount of any financial contribution that you receive from them only if that money was used to support your household. You would list that amount under the additional income or financial support section. Example 1: If your uncle lives in your house (which you own) and paid \$1,000 towards household bills, that \$1,000 would be included under additional income or financial support because it was financial support provided to your household.

Example 2: You share an apartment with a roommate who is not a household member. You pay your own expenses, and your roommate pays his/her expenses. Your roommate's income is not part of your household income because the roommate is not financially supporting you. Therefore, you do not include the roommate's income as part of your household income.

I receive child support, but not the full amount as listed in the court order. Do I include the full amount of the child support as additional income or financial support or only what I actually receive?

Give an example of the actual amount of child support received. If there is a difference between what is stated in a court order or documentation, provide an explanation. Examples of documents

may include bank statements, copies of checks, court documents, or other documentation indicating the actual income or financial assistance you are receiving.

### **How marital separation affects eligibility**

- If you are requesting a fee waiver based on income at or below the Federal Poverty Guidelines and are not including your spouse's income because of a marital separation, please provide a signed statement or documentation to establish that your spouse does not live with you and provides no income assistance. Acceptable documents may include a copy of the court order that formalized your legal separation, a formal notarized property settlement agreement, financial support agreement, or separate mortgage, lease, or utility bills that show you and your spouse live apart.
- Even if you are separated from your spouse, your household income includes any monthly support payments that you receive from your spouse.