

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: SB1542

House of Origin	☒	Introduced	☐	Substitute	☐	Engrossed
Second House	☐	In Committee	☐	Substitute	☐	Enrolled

2. Patron: Surovell

3. Committee: Senate Committee on Courts of Justice

4. Title: Determination of indigency

- 5. Summary:** Sets out the factors to be considered by the court in its determination of a person's indigency for the purpose of not being required to pay fees or costs in a civil action. The bill also provides that a person is presumed unable to pay if he is a current recipient of a state or federally funded public assistance program or he is represented by a legal aid society. The bill provides that the presumption is rebuttable except in the case of a no-fault divorce.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate (see Item 8)

- 8. Fiscal Implications:** The proposed bill provides that a litigant who is a current recipient of a state or federally funded public assistance program or is represented by a legal aid society is presumed to be eligible for *in forma pauperis* status, whereby the fees and costs associated with a civil case are not required. Currently, most filing fees and other costs collected in civil actions in the general district courts and circuit courts are deposited into the state treasury and credited to the accounts of special funds.

In addition, the bill contains a provision that this presumption is not rebuttable in the case of a no-fault divorce. According to the Office of the Executive Secretary of the Supreme Court of Virginia ("OES"), this provision is likely to create a fiscal impact because the number of persons eligible to be classified as *in forma pauperis* litigants is likely to increase.

The circuit court case management system does not capture the current number of *in forma pauperis* litigants, the number of litigants eligible for such status nor does it identify no-fault divorces as a category separate from divorces in general. While it is reasonable to conclude that the proposed bill would increase the number of litigants being able to proceed in a no-fault divorce action as *in forma pauperis*, the fiscal impact of this bill is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: Identical to HB1944