

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** SB1032ER

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

**2. Patron:** Hashmi

**3. Committee:** Passed Both Houses

**4. Title:** Determination of indigency

**5. Summary:** The proposed bill requires the court to take into account whether a person is a current recipient of a state or federally funded public assistance program for the indigent or is represented by a legal aid society in determining a person's inability to pay fees or costs on account of his poverty. Such person is presumed to be unable to pay such fees or costs, except in the case of a no-fault divorce proceeding under subdivision A (9) of § 20-91.

If a person claims indigency but is not deemed presumptively unable to pay, the bill outlines the criteria the court is to consider in conducting a more thorough examination of the person's financial resources. The person's available funds is calculated as his total income and liquid assets minus exceptional expenses. If available funds are equal to or less than 125 percent of the federal poverty income guidelines prescribed for the size of the household of such person by the federal Department of Health and Human Services, the person is to be presumed unable to pay.

Finally, the bill makes the Supreme Court of Virginia responsible for distributing the annual updates of the federal poverty income guidelines to all courts.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Final (see Item #8)

**8. Fiscal Implications:** According to the Office of the Executive Secretary of the Supreme Court ("OES"), the proposed bill could increase the number of plaintiffs/petitioners who would qualify for *in forma pauperis* status. As a result, there would likely be a corresponding decrease in the amount of filing fee revenue collected. However, it is not possible to quantify the fiscal impact.

**9. Specific Agency or Political Subdivisions Affected:** Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None