



SUPREME COURT OF MISSOURI

en banc

December 14, 2016

In re:

Correction of order of September 19, 2016, adopting a new Model Local Rule 69.01, entitled "Determination of Indigent Status."

ORDER

1. By order of September 19, 2016, this Court adopted a new Model Local Rule 69.01. The Court hereby corrects the order so that, as corrected, Model Local Rule 69.01(b) shall read as follows:

69.01 DETERMINATION OF INDIGENT STATUS

* * *

(b) A person is presumed indigent if the person:

(1) Is in the custody of the Children's Division or the Division of Youth Services; or

(2)(A) Has unencumbered assets totaling under \$5,000,

and

(B) Has total household monthly income below 125% of Federal Poverty Guidelines, which currently are:

1 household person: \$1,238
2 household persons: \$1,669
3 household persons: \$2,100
4 household persons: \$2,531
5 household persons: \$2,963
6 household persons: \$3,394
7 household persons: \$3,826
8 household persons: \$4,259
[Add \$433 for each additional person]

2. It is ordered that notice of this order be published in the Journal of The Missouri Bar.

3. It is ordered that this order be published in the South Western Reporter.

Day - to - Day

PATRICIA BRECKENRIDGE
Chief Justice



SUPREME COURT OF MISSOURI

en banc

September 26, 2016

In re: MODEL LOCAL RULE 69.01 - DETERMINING INDIGENT STATUS IN MUNICIPAL DIVISION CASES

ORDER

1. The Court hereby approves for distribution the following model local rule:

69.01 DETERMINATION OF INDIGENT STATUS

(a) A person seeking permission to proceed as an indigent in a municipal division case shall submit to the court the following “Statement of Financial Condition.”

STATEMENT OF FINANCIAL CONDITION

Name: _____ Case Number: _____

Address: _____

Your Age and Date of Birth: _____

Phone Number: _____ (Is it OK to text you at this number? Yes/No)

1) If you plead guilty or are found guilty, can you pay your fines and costs today? Yes/No

If you answered “No,” why not? _____

If you answered "No" to Question #1, or if you want the court to consider your financial situation, please answer the following questions and provide the following information:

2) Are you currently in the custody of the Children's Division or DYS? Yes/No

3) Have you spent a night in jail during the past year because you were unable to post a bond?

Yes/No If "Yes," how much was your bond? \$ _____

4) Are you receiving public assistance? Yes/No If "Yes," please tell us what type of public assistance you are receiving (for example, food stamps, TANF, Medicaid, housing assistance, other types of public assistance): _____

5) Please list the following income from the **previous month** for your **entire household**:

Take home pay for the month including overtime and bonuses: _____

Social security income (including social security disability): _____

Workers' compensation income: _____

Unemployment income: _____

Retirement income: _____

All other income: _____

Total: _____

6) How many people live in your household? _____

7) Do you have cash, bank accounts, or any other assets, including vehicles or real estate free of debt, that totals more than \$5,000? Yes/No If "Yes," what type?

If you are facing the possibility of jail time and cannot afford to hire a lawyer, you are entitled to have a lawyer appointed by the court to represent you.

Do you want a lawyer to represent you in this case? Yes/No

Can you afford to hire a lawyer to represent you in this case? Yes/No

Are you asking the court to give you some more time to hire a lawyer? Yes/No

Are you asking the court to appoint a lawyer for you today? Yes/No

The above information is true and correct to the best of my knowledge under penalty of law.

Applicant

[The above form is for the Judge's use and does not replace the Legal Aid Application.]

(b) A person is presumed indigent if the person:

(1) Is in the custody of the Children's Division or the Division of Youth Services; or

(2)(A) Has unencumbered assets totaling under \$5,000, and

(B) Has total household monthly income below 125% of Federal Poverty Guidelines, which currently are:

- 1 household person: \$1,237
- 2 household persons: \$1,668
- 3 household persons: \$2,100
- 4 household persons: \$2,531
- 5 household persons: \$2,962
- 6 household persons: \$2,715
- 7 household persons: \$3,393
- 8 household persons: \$4,258

[Add \$433 for each additional person]

2. The state courts administrator shall provide copies of this order to every presiding circuit court judge and such other persons as the administrator deems appropriate.

3. It is ordered that notice of this order be published in the Journal of the Missouri Bar.

4. It is ordered that this order be published in the South Western Reporter.

Day – to – Day

PATRICIA BRECKENRIDGE
Chief Justice