

ADMINISTRATIVE ORDER

2000-01

RE: Appointment of Counsel for Indigent Persons and
Motions to Proceed in Forma Pauperis

To promote uniformity in the procedures utilized by all Family Court departments pertaining to the appointment of counsel for indigent persons and to motions to proceed in forma pauperis, the following process shall apply:

1. At the time of the request for appointment of counsel or for the waiver of filing fees and costs of service, the court shall inquire as to the person's ability to pay for an attorney or for filing fees and costs.
2. A person claiming indigency shall file an Affidavit of Indigency and a Financial Statement in the form attached hereto. In every instance, the burden of proving indigency in relation to the payment of counsel or filing fees and costs is upon the party seeking such relief.
3. The court shall review the Affidavit and Financial Statement to determine whether a person in light of the income or assets available to him or her and the size of the fee(s) to be paid is unable to pay such fee(s).
4. In lieu of an Affidavit and Financial Statement, the court may accept a letter of the Office of Public Defender or the Rhode Island Legal Services Corporation that a person is eligible for legal services but due to a conflict of interest or other impediment, the Public Defender or Corporation may not permissibly represent the indigent person.
5. In accordance with Rhode Island Supreme Court Executive Orders, all attorneys appointed to represent indigent persons shall continue to be appointed by the clerk's office from Supreme Court panels on a rotating basis as approved by the Chief Judge.

1/13/00

Date

Jeremiah S. Jeremiah, Jr.
Chief Judge



STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

FAMILY COURT

vs

Docket No: _____

AFFIDAVIT OF INDIGENCY

I, _____, the plaintiff/defendant (circle one) in the above case, make affidavit being first sworn and under oath, that after payment of necessary and reasonable expenses for food, shelter and medical care, I do not have sufficient income or assets to enable me to retain counsel, nor is there anyone to whom I am entitled to look for support who has such income or assets. In support of this affidavit I refer to and incorporate herein the attached financial statement.

Affiant Name

Address

Signed and sworn to before me this _____ day of
at _____, County of _____

Notary Public
Commission expires _____

ORDERED:

ENTERED:



STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS
FAMILY COURT

VS

CA NUM: _____

FINANCIAL STATEMENT

PLEASE COMPLETE IN FULL:

- | | |
|---|---|
| 1. Name: _____ | 2. DOB: _____ |
| 3. Permanent Address: _____ | 4. Soc. Sec #: _____ |
| City: _____ State: _____ Zip Code: _____ | 5. Marital Status: M ___ S ___ D ___ |
| 6. Tel No: _____ | 7. Dependents (ages): _____ |
| 8. Contact Person (name, address, relationship, telephone): _____ | 9. Child support order(s) for all dependents
Yes ___
No ___ |

INCOME:

10. Employer: _____
Address: _____
Gross Monthly Income: \$ _____
Net Monthly Income: \$ _____
12. OTHER monthly (e.g. Gov't Benefits (specify type), Child Support, Alimony, Spousal Income):
Source: _____
13. TOTAL NET MONTHLY INCOME \$ _____

IF UNEMPLOYED:

11. How long? _____
Unemploy. Ins. Yes ___ No ___
Gross Monthly Amount: \$ _____
Net Monthly Amount: \$ _____
Amount: \$ _____

14. SHELTER COST:

- If own home: Value: \$ _____
If rent: Monthly rent: \$ _____
If Board: With whom? _____

- Mortgages/Liens: \$ _____
Monthly contribution (if any) \$ _____

15. UTILITIES (specify monthly amount) :

- Tel.: \$ _____ Elec.: \$ _____ Gas: \$ _____

- Water: \$ _____
Oil: \$ _____

16. FOOD (Monthly): \$ _____

17. CLOTHING (Monthly): \$ _____

18. CHILD SUPPORT PAID (Monthly) \$ _____

19. OTHER regular monthly expenses related to food, shelter, clothing (specify type and amount)

AMENDED ADMINISTRATIVE ORDER

2000-01

RE: Appointment of Counsel for Indigent Persons and
Motions to Proceed in Forma Pauperis

To promote uniformity in the procedures utilized by all Family Court departments pertaining to the appointment of counsel for indigent persons and to motions to proceed in forma pauperis, the following process shall apply:

1. At the time of the request for appointment of counsel or for the waiver of filing fees and costs of service, the court shall inquire as to the person's ability to pay for an attorney or for filing fees and costs.
2. A person claiming indigency shall file an Affidavit of Indigency, a Financial Statement in the form attached hereto, and if appropriate, an inmate ledger as provided by the Inmate Accounts Department of the Adult Correctional Institution. In every instance, the burden of proving indigence in relation to the payment of counsel or filing fees and costs is upon the party seeking such relief.
3. The court shall review the Affidavit and Financial Statement to determine whether a person in light of the income or assets available to him or her and the size of the fee(s) to be paid is unable to pay such fee(s).
4. In lieu of an Affidavit and Financial Statement, the court may accept a letter of the Office of Public Defender or the Rhode Island Legal Services Corporation that a person is eligible for legal services but due to a conflict of interest or other impediment, the Public Defender or Corporation may not permissibly represent the indigent person.
5. In accordance with Rhode Island Supreme Court Executive Orders, all attorneys appointed to represent indigent persons shall continue to be appointed by the clerk's office from Supreme Court panels on a rotating basis as approved by the Chief Judge.

2/9/00

Date

Jeremiah S. Jeremiah, Jr.
Chief Judge

(Revised 4/27/00)