



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

CIRCULATING ORDER MEMORANDUM
TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-12-01

Title

Fee Waivers: Change in Federal Poverty Guidelines

Action Requested

VOTING MEMBERS ONLY: Vote and return by fax. Additionally, return original signature page.

Rules, Forms, Standards, or Statutes Affected

Revise forms FW-001 and APP-015/FW-015-INFO

Please Respond By


February 14, 2012

Recommended by

Ronald G. Overholt 
Interim Administrative Director of the Courts

Date of Report

February 3, 2012

Mary M. Roberts, General Counsel 
Deborah C. Brown, Managing Attorney
Anne M. Ronan, Attorney
Office of the General Counsel

Contact

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Executive Summary

The *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO) need to be revised to reflect 2012 increases in the federal poverty guidelines.

Recommendation

The Administrative Office of the Courts recommends that the Judicial Council revise the *Request to Waive Court Fees* and *Information Sheet on Waiver of Appellate Court Fees* (forms FW-001 and APP-015/FW-015-INFO), effective immediately, to conform to the 2012 federal poverty

guidelines. The Rules and Projects Committee has reviewed the proposed revisions and recommends their approval.

The revised forms are attached at page 4–7.

Previous Council Action

The council last revised the *Request to Waive Court Fees* (form FW-001) a year ago, to reflect the last change in the federal poverty guidelines. The council revised the *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO) at the same time. That form was also revised in October 2011 to reflect new appellate filing fees.

Rationale for Recommendation

The eligibility of litigants to proceed in forma pauperis is determined by California Government Code section 68632. Among other things, section 68632(b) provides that a fee waiver shall be granted to litigants whose monthly income is 125 percent or less of the current poverty guidelines established by the United States Department of Health and Human Services (HHS).

The Judicial Council has adopted rules of court and forms for litigants proceeding in forma pauperis. Two of the forms, the *Request to Waive Court Fees* and *Information Sheet on Waiver of Appellate Court Fees* (forms FW-001 and APP-015/FW-015-INFO), contain figures based on the monthly poverty guidelines.

Item 5b on the application form and the chart on page 1 of the appellate court information sheet provide monthly income figures on which a court may base a decision to grant a fee waiver in accordance with Government Code section 68632. The monthly income figures currently on the two forms reflect 125 percent of the 2011 monthly poverty guidelines established by the HHS. The HHS released revised federal poverty guidelines on January 26, 2012.¹ As a result, these two items on the Judicial Council forms must be revised to reflect the 2012 federal poverty guideline revisions. To determine the new monthly income figures in the *Request* and *Information Sheet*, the federal poverty guidelines must be multiplied by 125 percent and divided by 12.² The new figures are reflected in item 5b of the revised application form (at page 4 of this report) and the chart on the revised appellate information sheet (at page 6 of this report).

Comments, Alternatives Considered, and Policy Implications

Staff of the Civil and Small Claims Advisory Committee monitor revisions to the poverty guidelines and ensure that the forms are revised as necessary and submitted to the council. Revised forms FW-001 and APP-015/FW-015-INFO should take effect immediately to ensure that litigants are provided with accurate monthly income guidelines on which a court may base a

¹ See Annual Update of HHS Federal Poverty Guidelines, 77 Fed. Reg. 4034–35 (Jan. 26, 2012), a copy of which is attached at pages 8–9.

² The computation sheet is attached at page 10.

decision to grant a fee waiver. This rapid change to the forms is necessary because the revised poverty guidelines take effect immediately upon release. Once adopted by the Judicial Council, revised forms FW-001 and APP-015/FW-015-INFO will be distributed to the courts and forms publishers and posted to the California Courts website.

Implementation Requirements, Costs, and Operational Impacts

To the extent a court provides free copies of fee waiver forms to parties there will be costs to print or duplicate the revised forms. However, the revisions are required to make the forms consistent with current law.

Attachments

1. Revised form FW-001
2. Revised form APP-015/FW-015-INFO
3. Excerpt from Federal Register
4. Computation Sheet
5. Voting instructions
6. Vote and signature pages

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Clerk stamps date here when form is filed.

**DRAFT
NOT APPROVED BY
JUDICIAL COUNCIL**

Fill in court name and street address:

[Empty box for court name and street address]

Fill in case number and name:

| |
|---------------------|
| Case Number: |
| Case Name: |

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____

Employer's address: _____

3 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees and Costs* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

a. I receive (check all that apply): Medi-Cal Food Stamps SSI SSP County Relief/General Assistance IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) CAPI (Cash Assistance Program for Aged, Blind and Disabled)

b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b you must fill out 7, 8 and 9 on page 2 of this form.)

| Family Size | Family Income | Family Size | Family Income | Family Size | Family Income | If more than 6 people at home, add \$412.50 for each extra person. |
|-------------|---------------|-------------|---------------|-------------|---------------|--|
| 1 | \$1,163.55 | 3 | \$1,988.55 | 5 | \$2,813.55 | |
| 2 | \$1,576.05 | 4 | \$2,401.05 | 6 | \$3,226.05 | |

c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): waive all court fees waive some of the court fees let me make payments over time (Explain): _____ (If you check 5c, you must fill out page 2.)

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here

Sign here

Case Number: _____

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$ _____
List each payroll deduction and amount below:
- (1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
- b. Total deductions (add 8a (1)-(4) above): \$ _____
- c. Total monthly take-home pay (8a minus 8b): \$ _____
- d. List the source and amount of any other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
- (1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
- e. Your total monthly income is (8c plus 8d): \$ _____

9 Household Income

- a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.
- | Name | Age | Relationship | Gross Monthly Income |
|-----------|-------|--------------|----------------------|
| (1) _____ | _____ | _____ | \$ _____ |
| (2) _____ | _____ | _____ | \$ _____ |
| (3) _____ | _____ | _____ | \$ _____ |
| (4) _____ | _____ | _____ | \$ _____ |
- b. Total monthly income of persons above: \$ _____
- Total monthly income and household income (8e plus 9b):** \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash _____ \$ _____
- b. All financial accounts (List bank name and amount):
- (1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
- c. Cars, boats, and other vehicles
- | Make / Year | Fair Market Value | How Much You Still Owe |
|-------------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |
- d. Real estate
- | Address | Fair Market Value | How Much You Still Owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
- | Describe | Fair Market Value | How Much You Still Owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____ | \$ _____ |
| (2) _____ | \$ _____ | \$ _____ |
| (3) _____ | \$ _____ | \$ _____ |

11 Your Monthly Expenses

- (Do not include payroll deductions you already listed in 8b.)
- a. Rent or house payment & maintenance \$ _____
- b. Food and household supplies \$ _____
- c. Utilities and telephone \$ _____
- d. Clothing \$ _____
- e. Laundry and cleaning \$ _____
- f. Medical and dental expenses \$ _____
- g. Insurance (life, health, accident, etc.) \$ _____
- h. School, child care \$ _____
- i. Child, spousal support (another marriage) \$ _____
- j. Transportation, gas, auto repair and insurance \$ _____
- k. Installment payments (list each below):
- Paid to:
- (1) _____ \$ _____
- (2) _____ \$ _____
- (3) _____ \$ _____
- l. Wages/earnings withheld by court order \$ _____
- m. Any other monthly expenses (list each below):
- Paid to: _____ How Much?
- (1) _____ \$ _____
- (2) _____ \$ _____
- (3) _____ \$ _____
- Total monthly expenses (add 11a -11m above):** \$ _____

INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES (SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. If you are a party other than the party who filed the appeal or the petition, you must also generally pay a fee when you file your first document in a case in the Court of Appeal or Supreme Court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal. However, if you cannot afford to pay these court fees and costs, you may ask the court to issue an order saying you do not have to pay these fees (this is called "waiving" these fees).

Who can get their court fees waived?

The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal, Food Stamps, SSI or SSP, County Relief/General Assistance, IHSS (In-Home Supportive Services), CalWORKS, Tribal Temporary Assistance for Needy Families, or CAPI (Cash Assistance Program for Aged, Blind, and Disabled).
- **You have a low income level.** Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

| Family Size | Family Income | Family Size | Family Income | Family Size | Family Income |
|-------------|---------------|-------------|---------------|-------------|---------------|
| 1 | \$1,163.55 | 3 | \$1,988.55 | 5 | \$2,813.55 |
| 2 | \$1,576.05 | 4 | \$2,401.05 | 6 | \$3,226.05 |

If more than 6 people at home, add \$412.50 for each extra person.

- **You do not have enough income to pay for your household's basic needs *and* your court fees.**

What fees and costs will the court waive?

If you qualify for a fee waiver, the Supreme Court, Court of Appeal, or Appellate Division will waive the filing fee for the notice of appeal, a petition for a writ, a petition for review, or the first document filed by a party other than the party who filed the appeal or petition, and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk's transcript on appeal and the fees for making a transcript or copy of an official electronic recording under rule 8.835. If you are the appellant (the person who is appealing the trial court decision), the fees waived include the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk's transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), the fees waived include the costs for sending you a copy of the clerk's transcript.

The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. A special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See <http://www.courtreportersboard.ca.gov/consumers/index.shtml#trf> and Business and Professions Code sections 8030.2 and following for more information about this fund.) If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement.

How do I ask the court to waive my fees?

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** In a limited civil case, if the trial court already issued an order waiving your court fees *and that fee waiver has not ended* (fee waivers automatically end 60 days after the judgment), your fee for filing a notice of appeal and your costs for the clerk's transcript are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed),

the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk's transcript or telephonic oral argument, are due.

- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **Appeal in Other Civil Cases.** If you want the court to waive fees and costs in an appeal in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal or, if you are a respondent (a party other than the one who filed the appeal), the fee for the first document you file in the Court of Appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended*, you do not need to check the first box; your costs for the clerk's transcript are already waived, just give the court a copy of your current fee waiver). If you are the appellant, the completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent, the completed form should be submitted at the time the fee you are asking the court to waive is due. For example, file the form in the trial court with your request for a copy of the clerk's transcript if you are asking the court to waive the transcript fee or file the form in the Court of Appeal with the first document you file in that court if you are asking the court to waive the fee for filing that document. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). If you are the petitioner (the party filing the petition), the completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court or Court of Appeal.
- **Petition for Review.** If you want to request that the Supreme Court waive the fees in a petition for review proceeding, you must complete a *Request to Waive Court Fees* (form FW-001). If you are the petitioner, you should submit the completed form with your petition for review. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court.

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you settle your case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

Filed Date: 1/19/12

Accession Number: 20120119-5162

Comments Due: 5 p.m. ET 2/9/12

Docket Numbers: ER12-840-000

Applicants: Northern Indiana Public Service Company

Description: Northern Indiana Public Service Company submits tariff filing per 35.13(a)(2)(iii): Definitions to be effective 2/1/2012.

Filed Date: 1/19/12

Accession Number: 20120119-5174

Comments Due: 5 p.m. ET 2/9/12

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: January 19, 2012.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2012-1613 Filed 1-25-12; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested

persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 21, 2012.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) P.O. Box 442, St. Louis, Missouri 63166-2034:

1. *Cabool State Bank Employee Stock Ownership Plan*, Cabool, Missouri; to acquire additional voting shares, for a total of 31.95 percent of the voting shares of Cabool Bancshares, Inc., and thereby indirectly acquire additional voting shares of Cabool State Bank, both in Cabool, Missouri.

B. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *State Bankshares, Inc.*, Fargo, North Dakota; to acquire 100 percent of the voting shares of First Hawley Bancshares, Inc., and thereby indirectly acquire voting shares of First National Bank, both in Hawley, Minnesota.

C. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105-1579:

1. *First PacTrust Bancorp, Inc.*, Chula Vista, California; to become a bank holding company by acquiring 100 percent of the voting shares of Beach Business Bank, Manhattan Beach, California.

In connection with this application, Applicant also has applied to retain 100 percent of the voting shares of Pacific Trust Bank, fsb, Chula Vista, California, and thereby engage in operating a nonbank thrift subsidiary, pursuant to section 225.28(b)(4) of Regulation Y.

Board of Governors of the Federal Reserve System, January 23, 2012.

Robert deV. Frierson,
Deputy Secretary of the Board.

[FR Doc. 2012-1616 Filed 1-25-12; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Annual Update of the HHS Poverty Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides an update of the Department of Health and Human Services (HHS) poverty guidelines to account for last calendar year's increase in prices as measured by the Consumer Price Index.

DATES: *Effective Date:* Date of publication, unless an office administering a program using the guidelines specifies a different effective date for that particular program.

ADDRESSES: Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, state, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact Kendall Swenson or Gordon Fisher, Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 690-7507—or visit <http://aspe.hhs.gov/poverty/>.

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I-864, Affidavit of Support, contact U.S. Citizenship and Immigration Services at 1-(800) 375-5283.

For information about the Hill-Burton Uncompensated Services Program (free or reduced-fee health care services at certain hospitals and other facilities for persons meeting eligibility criteria involving the poverty guidelines), contact the Office of the Director, Division of Health Facilities, Health Resources and Services Administration, HHS, Room 10-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. To speak to a staff member,

please call (301) 443-5656. To receive a Hill-Burton information package, call 1-(800) 638-0742 (for callers outside Maryland) or 1-(800) 492-0359 (for callers in Maryland). You also may visit <http://www.hrsa.gov/gethealthcare/affordable/hillburton/>.

For information about the number of people in poverty, visit the Poverty section of the Census Bureau's web site at <http://www.census.gov/hhes/www/poverty/poverty.html> or contact the Census Bureau's Customer Service Center at 1-(800) 923-8282 (toll-free) or visit <http://ask.census.gov> for further information.

SUPPLEMENTARY INFORMATION:

Background

Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are used as an eligibility criterion by the Community Services Block Grant program and a number of other Federal programs. The *poverty guidelines* issued here are a simplified version of the *poverty thresholds* that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

As required by law, this update is accomplished by increasing the latest published Census Bureau poverty thresholds by the relevant percentage change in the Consumer Price Index for All Urban Consumers (CPI-U). The guidelines in this 2012 notice reflect the 3.2 percent price increase between calendar years 2010 and 2011. After this inflation adjustment, the guidelines are rounded and adjusted to standardize the differences between family sizes. The same calculation procedure was used this year as in previous years. (Note that these 2012 guidelines are roughly equal to the poverty thresholds for calendar year 2011 which the Census Bureau expects to publish in final form in September 2012.)

The poverty guidelines continue to be derived from the Census Bureau's current official poverty thresholds; they are not derived from the Census Bureau's new Supplemental Poverty Measure (SPM).

The following guideline figures represent annual income.

2012 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

| Persons in family/household | Poverty guideline |
|-----------------------------|-------------------|
| 1 | \$11,170 |
| 2 | 15,130 |
| 3 | 19,090 |
| 4 | 23,050 |
| 5 | 27,010 |
| 6 | 30,970 |
| 7 | 34,930 |
| 8 | 38,890 |

For families/households with more than 8 persons, add \$3,960 for each additional person.

2012 POVERTY GUIDELINES FOR ALASKA

| Persons in family/household | Poverty guideline |
|-----------------------------|-------------------|
| 1 | \$13,970 |
| 2 | 18,920 |
| 3 | 23,870 |
| 4 | 28,820 |
| 5 | 33,770 |
| 6 | 38,720 |
| 7 | 43,670 |
| 8 | 48,620 |

For families/households with more than 8 persons, add \$4,950 for each additional person.

2012 POVERTY GUIDELINES FOR HAWAII

| Persons in family/household | Poverty guideline |
|-----------------------------|-------------------|
| 1 | \$12,860 |
| 2 | 17,410 |
| 3 | 21,960 |
| 4 | 26,510 |
| 5 | 31,060 |
| 6 | 35,610 |
| 7 | 40,160 |
| 8 | 44,710 |

For families/households with more than 8 persons, add \$4,550 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966-1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office that

administers the program is generally responsible for deciding whether to use the contiguous-states-and-DC guidelines for those jurisdictions or to follow some other procedure.

Due to confusing legislative language dating back to 1972, the poverty guidelines sometimes have been mistakenly referred to as the "OMB" (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services. The poverty guidelines may be formally referenced as "the poverty guidelines updated periodically in the *Federal Register* by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)."

Some federal programs use a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines), as noted in relevant authorizing legislation or program regulations. Non-Federal organizations that use the poverty guidelines under their own authority in non-Federally-funded activities also may choose to use a percentage multiple of the guidelines.

The poverty guidelines do not make a distinction between farm and non-farm families, or between aged and non-aged units. (Only the Census Bureau poverty thresholds have separate figures for aged and non-aged one-person and two-person units.)

Note that this notice does not provide definitions of such terms as "income" or "family," because there is considerable variation in defining these terms among the different programs that use the guidelines. These variations are traceable to the different laws and regulations that govern the various programs. This means that questions such as "Is income counted before or after taxes?", "Should a particular type of income be counted?", and "Should a particular person be counted as a member of the family/household?" are actually questions about how a specific program applies the poverty guidelines. All such questions about how a specific program applies the guidelines should be directed to the entity that administers or funds the program, since that entity has the responsibility for defining such terms as "income" or "family," to the extent that these terms are not already defined for the program in legislation or regulations.

Dated: January 19, 2012.

Kathleen Schelius,

Secretary of Health and Human Services.

[FR Doc. 2012-1603 Filed 1-25-12; 8:45 am]

BILLING CODE 4150-05-P

Computation Sheet

| Number in Family | 2012 Federal Poverty Guidelines (A) | 125% of Poverty Guidelines (B) (B = A x 125%) | 2012 California Monthly Income (C) (C = B / 12)* |
|-------------------------|--|--|---|
| 1 | \$11,170 | \$13,962.50 | \$1,163.55 |
| 2 | 15,130 | 18,912.50 | 1,576.05 |
| 3 | 19,090 | 23,862.50 | 1,988.55 |
| 4 | 23,050 | 28,812.50 | 2,401.05 |
| 5 | 27,010 | 33,762.50 | 2,813.55 |
| 6 | 30,970 | 38,712.50 | 3,226.05 |
| Each additional person | 3,960 | 4,950.00 | 412.50 |

*Figures are rounded up to the nearest cent.

Instructions for Review and Action by Circulating Order

Voting members

- Please indicate your **vote, sign, and return by 5pm, February 14, 2012**, if possible by one of these methods:
 1. Fax the signature pages to the attention of Secretariat Unit, Office of the General Counsel at 415-865-4317
 2. Reply to the e-mail message with “I approve,” “I disapprove,” or “I abstain.”
- If you are unable to reply by February 14, 2012, please do so as soon as possible thereafter.
- Additionally, **return the original** signature page to the Secretariat Unit, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California, 94102-3688. **Please keep a copy for your records.**

Advisory members

The circulating order is being faxed to you for your information only. There is no need to sign or return any documents.

**CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages**

Effective immediately, the Judicial Council approves the revisions to *Request to Waive Court Fees* and *Information Sheet on Waiver of Appellate Court Fees* (forms FW-001 and APP-015/FW-015-INFO).

My vote is as follows:

Approve

Disapprove

Abstain

Tani Cantil-Sakauye, Chair

/s/
Judith Ashmann-Gerst

Stephen H. Baker

Marvin R. Baxter

Angela J. Davis

Emilie H. Elias

Noreen Evans

Mike Feuer

James E. Herman

/s/
Harry E. Hull, Jr.

/s/
Teri L. Jackson

/s/
Ira R. Kaufman

/s/
Miriam A. Krinsky

/s/
Edith R. Matthai

My vote is as follows:

Approve

Disapprove

Abstain

Douglas P. Miller

_____/s/
Mary Ann O'Malley

_____/s/
Mark P. Robinson, Jr.

_____/s/
Kenneth K. So

_____/s/
Sharon J. Waters

_____/s/
David S. Wesley

_____/s/
Erica R. Yew

Date: February 15, 2012

Attest:



Interim Administrative Director of the Courts



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courtinfo.ca.gov

CIRCULATING ORDER MEMORANDUM
TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-12-02

Title

Approval of the February 9, 2012, Judicial
Council Meeting Minutes

Action Requested

VOTING MEMBERS ONLY: Vote and
return by fax. Additionally, return original
signature page.

Recommended by

Jody Patel, Interim Administrative Director of
the Courts

Please Respond By

February 21, 2012

Date of Report

February 16, 2012

Contact

Nancy E. Spero, 415-865-7915

Nancy.Spero@jud.ca.gov

Executive Summary

This circulating order requests the Judicial Council to approve the February 9, 2012, Judicial Council meeting minutes. The Administrative Director of the Courts, as Secretary of the Judicial Council, must prepare written minutes of each council meeting for approval at the next council meeting. (Cal. Rules of Court, Rules 10.2(b)(4) and 10.6(g)). When approved by the council, the minutes constitute the official record of the meeting. (Cal. Rules of Court, rule 10.6(g)).

Approval by circulating order of these minutes will provide necessary documentation of the Judicial Council's action to appoint Jody Patel as Interim Administrative Director of the Courts with the full scope of authority of the position of Administrative Director of the Courts.

Recommendation

The Secretary of the Judicial Council recommends that the Judicial Council approve the minutes of its February 9, 2012, meeting. These minutes have been drafted as directed by the Chief Justice and the Chair of the Executive and Planning Committee.

Attachments

1. February 9, 2012, Judicial Council Meeting Minutes
2. Voting instructions
3. Vote and signature pages

JUDICIAL COUNCIL OF CALIFORNIA
Minutes of the Special Session Business Meeting—February 9, 2012
By Teleconference

CLOSED SESSION (RULE 10.6(B))—PERSONNEL MATTER

The special session business meeting of the council, conducted by teleconference, commenced at 12:30 p.m.

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, Emilie H. Elias, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O'Malley, Kenneth K. So, Sharon J. Waters, David S. Wesley, Erica R. Yew; Ms. Angela J. Davis, Ms. Miriam Aroni Krinsky, and Ms. Edith R. Matthai; **advisory members:** Judges David F. De Alba, Terry B. Friedman (Ret.), Robert James Moss, David Rosenberg, and David M. Rubin; Commissioner Sue Alexander; Court Executive Officers Alan Carlson, Kim Turner, and David H. Yamasaki; and Mr. Frederick K. Ohlrich.

Absent: Senator Noreen Evans, Assembly Member Mike Feuer, and Mr. Mark P. Robinson, Jr.

Appointment of Interim Administrative Director of the Courts

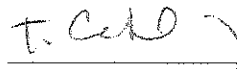
Judicial Council action

The Judicial Council approved unanimously the appointment of Ms. Jody Patel as Interim Administrative Director of the Courts, effective February 14, 2012, succeeding Mr. Ronald G. Overholt, who resigned his position as Interim Administrative Director of the Courts on February 9, 2012. As Interim Administrative Director of the Courts, Ms. Patel will exercise the full scope of authority of the Administrative Director of the Courts until the next Administrative Director of the Courts is appointed.

The council also received an update from its search committee as the national search for the Administrative Director of the Courts continues.

There being no further public business, the meeting was adjourned at approximately 1:00 p.m.

Respectfully submitted,



Hon. Tani G. Cantil-Sakauye
Chief Justice of California and Chair, Judicial
Council of California

Instructions for Review and Action by Circulating Order

Voting members

- Please indicate your **vote, sign, and return by 5pm, February 21, 2012**, if possible by one of these methods:
 1. Fax the signature pages to the attention of Secretariat Unit, Office of the General Counsel at 415-865-4317
 2. Reply to the e-mail message with “I approve,” “I disapprove,” or “I abstain.”
- If you are unable to reply by February 21, 2012, please do so as soon as possible thereafter.
- Additionally, **return the original** signature page to the Secretariat Unit, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California, 94102-3688. **Please keep a copy for your records.**

Advisory members

The circulating order is being faxed to you for your information only. There is no need to sign or return any documents.

**CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages**

Effective immediately, the Judicial Council approves the *minutes of its February 9, 2012, Council meeting.*

My vote is as follows:

Approve

Disapprove

Abstain

Tani Cantil-Sakauye, Chair

_____/s/
Judith Ashmann-Gerst

_____/s/
Stephen H. Baker

Marvin R. Baxter

_____/s/
Angela J. Davis

Emilie H. Elias

Noreen Evans

Mike Feuer

_____/s/
James E. Herman

_____/s/
Harry E. Hull, Jr.

_____/s/
Teri L. Jackson

_____/s/
Ira R. Kaufman

_____/s/
Miriam A. Krinsky

_____/s/
Edith R. Matthai

Douglas P. Miller

Mary Ann O'Malley

My vote is as follows:

Approve

Disapprove

Abstain

_____/s/
Mark P. Robinson, Jr.

_____/s/
Kenneth K. So

Sharon J. Waters

_____/s/
David S. Wesley

_____/s/
Erica R. Yew

Date:

Attest: 

Interim Administrative Director of the Courts