

# Supreme Court of Kentucky

## ORDER

2017-07

**IN RE: ADMINISTRATIVE PROCEDURES OF THE COURT OF JUSTICE,  
PART XV, SLIDING SCALE OF INDIGENCY**

Under Administrative Order 2010-08 and KRS 403.761(9)(c), the Supreme Court of Kentucky established Administrative Procedures of the Court of Justice, AP Part XV, to create a sliding scale of indigency as a guideline for judges to use in determining the amount a respondent must pay for a global positioning monitoring system in a domestic violence case. Similarly, under Administrative Order 2015-12 and KRS 189A.400, the Supreme Court of Kentucky established Administrative Procedures of the Court of Justice, AP Part XVI, to create a sliding scale of indigency as a guideline for judges to use in determining the amount a defendant must pay for an ignition interlock system.

In 2017, the Kentucky General Assembly passed SB 120, which amended the definition of “poor person” under KRS 453.190 to include a person who has an income at or below one hundred percent on the sliding scale of indigency established by the Supreme Court of Kentucky.

The Supreme Court has determined that the same sliding scale of indigency applies under KRS 403.761(9)(c), KRS 189A.400, and KRS 453.190. Accordingly, AP Part XV, Domestic Violence, and AP Part XVI, Ignition Interlock, are hereby deleted in their entirety and replaced with this Order, which establishes AP Part XV, Sliding Scale of Indigency. The applicable sliding scale of indigency for all cases is as follows:

<b>Federal Poverty Guidelines</b>	<b>Percentage Respondent is to Pay</b>
200%	100%
175%	75%
150%	50%
125%	25%
100%	0%

The Federal Poverty Guidelines are established annually by the U.S. Department of Health and Human Services. The 2017 Poverty Guidelines for the 48 Contiguous States and the District of Columbia may be located in the *Federal Register*, Vol. 82, No. 8831, January 31, 2017, pp. 8831-8832, or as set forth below:

<b>2017 Federal Poverty Guidelines for the 48 Contiguous States</b>	
<b>Persons in family</b>	<b>Poverty guideline</b>
1	\$12,060
2	\$16,240
3	\$20,420
4	\$24,600
5	\$28,780
6	\$32,960
7	\$37,140
8	\$41,320
For families with more than 8 persons, add \$4,180 for each additional person.	

If a judge finds that the fee would impose an undue burden on the respondent, the judge may reduce or waive the fee. The sliding scale is intended only as a guideline for judges, who are encouraged to use discretion in applying the factors listed on Form AOC-275.14 when making an indigency determination.

The sliding scale will be updated annually to reflect the most current Federal Poverty Guidelines.

Entered this 6th day of July 2017.

  
 CHIEF JUSTICE