


Government of the District of Columbia
Office of the Chief Financial Officer



Fitzroy Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Fitzroy Lee
Chief Financial Officer 

DATE: June 24, 2022

SUBJECT: Fiscal Impact Statement – Expanding Fee Waivers for Low-Income Litigants Amendment Act of 2022

REFERENCE: Bill 24-489, Committee Print as provided to the Office of Revenue Analysis on June 22, 2022

Conclusion

Funds are sufficient in the fiscal year 2022 budget and fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

Background

Litigants in civil proceedings at the District of Columbia courts are required to pay fees to file motions and papers. These fees vary depending on the type of document being filed with the court and can cost anywhere between \$5 and \$213.¹ Litigants enrolled in Temporary Assistance for Needy Families (TANF), Program on Work, Employment, and Responsibility (POWER), General Assistance for Children (GAC), Supplemental Security Income (SSI), Interim Disability Assistance, Medicaid, or the DC Health Care Alliance program can apply to the court clerk to have their civil fees waived. Litigants not enrolled in these programs who seek a fee waiver must submit detailed financial information to a judge who then can approve the waiver application .

The bill expands² who is eligible for fee waivers by adding thirty financial assistance programs to the list of public benefits that qualify litigants for fee waivers in any noncriminal suit, action, proceeding, or appeal, in any District of Columbia court. The bill also requires the court to grant noncriminal fee

¹ See schedule of filing fees: <https://www.dccourts.gov/services/civil-matters/filing-fees>

² By amending District of Columbia Official Code § 15-712.

waivers to litigants with a monthly income below 200 percent of the Federal Poverty Level and those represented free of charge by a legal services or nonprofit organization.

The bill allows the court to require additional evidence in support of an application for a waiver of payment and fees if there is cause to believe that the information submitted by a litigant is inaccurate or misleading or if a change occurs with a litigant's financial situation. The court may delegate to the clerk of the court the authority to grant fee waivers except that the decision to deny an application or provide a partial fee waiver must be made by a judge.

The bill outlines the process by which litigants can appeal a denied fee waiver or a partial fee waiver through a court hearing. Litigants are allowed to present additional evidence supporting their fee waiver application.

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 budget and fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

The District of Columbia Courts collect all fines and fees related to court proceedings in the Crime Victims Compensation Fund. Half of any unobligated Crime Victims Compensation Fund balance at the end of each fiscal year must be transferred to District's Crime Victims Assistance Fund which is used by the Office of Victims Services and Justice Grants (OVSJG) to provide grants that increase outreach to crime victims.

Expanding the number of litigants that qualify for fee waivers in noncriminal proceedings may reduce the amount of funding transferred to the OVSJG and result in less grant funding for outreach. The District of Columbia Courts already grants fee waivers to individuals who are enrolled in Medicaid and the DC Health Care Alliance which have higher income eligibility limits than most of the public benefit programs added to the list of fee waiver qualifying programs. The number of individuals that are not enrolled in Medicaid or the DC Health Care Alliance but are enrolled in one of the newly eligible benefit programs and are granted a fee waiver is expected to be small.

The appeals process outlined in the bill does not have a financial impact on the District. The District of Columbia Courts operate outside of the District's budget and financial plan.