

The order below is hereby signed.

Signed: July 01, 2008.



  
S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
)  
DARLENE M. RICHARDSON and ) Case No. 08-000150  
ALPHONZO RICHARDSON ) (Chapter 7)  
) **Not for Publication in**  
Debtors. ) **West's Bankruptcy Reporter**

MEMORANDUM DECISION AND ORDER GRANTING  
APPLICATION FOR WAIVER OF THE FILING FEE

On March 6, 2008, the debtors filed an Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments (DE No. 2). Pursuant to 28 U.S.C. § 1930 as amended by § 418 of the Bankruptcy Abuse Prevention & Consumer Protection Act of 2005, Pub. L. 109-8 (effective October 17, 2005), this court

may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line . . . applicable to a family of the size involved and is unable to pay that fee in installments.

28 U.S.C. § 1930(f)(1).

Although the application neglects to specifically state the size of the debtors' family, it does note that the debtors care

for fourteen grandchildren. In a prior case that was dismissed shortly before the instant case was filed and of which the court takes judicial notice, the debtors indicated that, although they are the grandparents of fourteen children, they actually provide care for only four.<sup>1</sup> Regardless of whether the debtors support a family of six or a family of sixteen, they qualify for waiver of the filing fee.<sup>2</sup>

The Application lists the debtors as having monthly income of \$2,824.00 per month or \$33,888.00 annually. Their monthly expenses of \$3,935.00 leave them with no monthly disposable income from which to pay the filing fee in installments. The debtors' annual income of \$33,888.00 is less than 150% of the income official poverty line of \$28,400.00 applicable to a family of six under the 2008 Health & Human Services Poverty Guidelines,

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<sup>1</sup> See Darlene and Alphonzo Richardson, Case No. 08-00018, Emergency Motion for Reconsideration (DE No. 27, filed February 19, 2008).

<sup>2</sup> Promulgated on August 11, 2005, the Judicial Conference of the United States established standards to assist the courts in determining a debtor's eligibility for a fee waiver under 28 U.S.C. § 1930(f)(1), and, under those standards, "family size" is defined as the debtor(s), the debtor's spouse (unless the spouses are separated and a joint petition is not being filed), and any dependents listed on Schedule I. Here, no dependents were listed on Schedule I, but the court will treat the Application, which was signed under penalty of perjury, as effectively amending Schedule I.

as required for waiver.<sup>3</sup> Accordingly, it is

ORDERED that the debtors' Application for Waiver of the Chapter 7 Filing Fee (DE No. 2) is GRANTED.

[Signed and dated above.]

Copies to:

Debtor; Chapter 7 Trustee; Office of United States Trustee.

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<sup>3</sup> Section 1930(f) specifies that the "official poverty line" figures used for purposes of the chapter 7 fee waiver refer to those "defined by the Office of Management and Budget ["OMB"], and revised annually in accordance with [§] 673(2) of the Omnibus Reconciliation Act of 1981 . . . ." The Judicial Conference of the United States interprets this language to refer to the poverty guidelines maintained annually by the U.S. Department of Health and Human Services ("HHS") because the OMB has never issued poverty guidelines or thresholds. According to the 2008 HHS Poverty Guidelines, the income official poverty line for a family of six in the District of Columbia is \$28,400, and 150% of that figure is \$42,600.00.