

## **Ethics Board Standards for Indigency for Waiver or Reduction of filing fees**

### **Section 1: Title; Purpose; and Definitions**

**Section 1.01 Short Title.** This shall be known as the Ethics Board Standards for Indigency or the Standards for Indigency.

**Section 1.02 Purpose.** Section 11.01 of the Pokagon Band Ethics Code provides for the Ethics Board to waive or reduce filing fees for complaints filed with the Pokagon Band Ethics Board, if the party filing the Complaint is indigent under written standards established by the Board and upon the submission of an affidavit of indigence on a form prescribed by the Board. The purpose of this document is to establish procedures to determine indigency for purposes of reducing or eliminating the filing fees for the filing of complaints with the Ethics Board.

### **Section 1.03: Definitions**

**Board or Ethics Board** – the Ethics Board of the Pokagon Band of Potawatomi Indians.

**Citizen** – A duly enrolled citizen of the Pokagon Band of Potawatomi Indians.

**Complaint** – shall have the meaning given that term under Chapter 3 of the Pokagon Band Ethics Code.

**Ethics Code** – The Pokagon Band Ethics Code.

**Filing Fee** – the filing fee established in Section 11.01 of the Ethics Code that is to be paid at the time a Complaint is filed.

**Income** – Income shall include all the salaries and wages, including interest, dividends, social security, unemployment compensation workers' compensation, pension, annuities, and contributions from other family members. The term Income includes the Income of a spouse and any other person(s) residing with the person seeking the waiver or reduction of filing fees.

**Public Assistance** – Those federal, state, and tribal programs that provide financial support based on the applicant's income, including, but not necessarily limited to: Supplemental Security Income, Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamp Program), Special

Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Temporary Assistance for Needy Families (TANF) and its predecessor, Aid to Families with Dependent Children (AFDC).

**Poverty Guidelines** – The poverty guidelines published annually in the Federal Register by the United States Department of Health and Human Services.

**Public Employee** – shall have the meaning given that term under Chapter 3 of the Pokagon Band Ethics Code.

**Public Official** - shall have the meaning given that term under Chapter 3 of the Pokagon Band Ethics Code.

## **Section 2: Applicability; Affidavits; Confidentiality**

**Section 2.01 Applicability.** Only the following are eligible for a waiver or reduction of filing fees: Citizen, Public Official, or Public Employee.

**Section 2.02 Affidavits.** Anyone seeking an order from the Ethics Board waiving or reducing filing fees must submit a written, sworn, affidavit of indigence, on a form prescribed by the Board.

**Section 2.03 Confidentiality.** The Board shall keep the information contained in a completed affidavit of indigence confidential.

## **Section 3: Review by Chairperson; Determination; Notice; Appeal**

**Section 3.01 Review.** Within twenty (20) days of the date the affidavit of indigence was filed with the Board, the Chairperson of the Ethics Board shall review the affidavit. The Chairperson may, in his or her sole discretion, request a meeting with the affiant to review the affidavit.

**Section 3.02 Determination.** If after review of the affidavit, the Chairperson determines that the affiant meets the standards of indigence provided in these Standards of Indigency, than the Chairperson of the Ethics Board shall issue an order granting the request for waiver or reduction of the Filing Fee in accordance with the provisions of these Standards. Such order shall be effective as to the specific complaint filed by affiant. If the affiant files a subsequent complaint and seeks a waiver or reduction of the Filing Fee, he or she must file another affidavit.

**Section 3.03 Notice of Decision.** The Board Chairperson or the Chairperson's designee shall have a copy of the Board's order served on the affiant and a copy shall be provided to the Ethics Board.

**Section 3.04 Appeal.** The decision of the Board shall be final, and there shall be no right to appeal such decision to the Pokagon Band Tribal Court.

## **Section 4: Indigent Standards**

Standards for Indigency  
for Waiver or Reduction of filling fees  
Adopted 4-23-11

**Section 4.01 Public Assistance.** If an affiant demonstrates by affidavit that he or she is receiving Public Assistance, the Filing Fee shall be waived in full.

**Section 4.02 Poverty Guidelines.** If an affiant demonstrates by affidavit that his or her Household Income is at or below 125% of the Poverty Guidelines, the Filing Fee shall be waived in full. If an affiant demonstrates by affidavit that his or her Household Income is less than 150% of the Poverty Guidelines, but more than 125% of the Poverty Guidelines, the Filing Fee shall be reduced by 50%. If an affiant demonstrates by affidavit that his or her Household Income is 150% or more of the Poverty Guidelines, the Filing Fee shall not be waived or reduced.