Laura Hinojosa
Hidalgo County
District Clerk

PAUPER'S OATH / AFFIDAVIT OF INABILITY TO PAY COURT COSTS MANDATORY REQUIREMENTS

Rule 145 (d), Texas Rules of Civil Procedure allows the clerk of the court to contest an *Affidavit of Inability to Pay Court Costs* if it is not accompanied by an IOLTA certificate or if the affidavit lacks the following information:

- Party's identity
- Nature and amount of government entitled income
- Nature and amount of employment income or other income
- Spousal income (if applicable)
- Property owned other than homestead
- Amount of cash or checking/savings account balance
- Dependants
- Debts and monthly expenses

Additionally, the Affidavit of Inability to Pay must include the following statement:

"I am unable to pay the court costs. I verify that the statements made in this affidavit are true and correct."

If you are in receipt of this notice, your affidavit may be challenged in court due to the following:

1. No IOLTA certificate has been filed **(if represented by attorney)**
2. The Affidavit filed:

2.1 Does not include the required information attesting to the Affiant's receipt of a government entitlement based upon indigency; the Clerk contests the Affiant's ability to pay.

2.2 Attests to the receipt of a government entitlement based upon indigency; the Clerk contests the veracity of the attestation.

The district clerk office is required to accept your filed *Affidavit of Inability to Pay* as is. However, if you would like to avoid the district clerk office from challenging your affidavit and filing a *Motion To Rule For Cost,* we recommend you consider amending your affidavit to include the required information pursuant to Rule 145 (d), Texas Rules of Civil Procedure. Should the district clerk contest the veracity of the attestation, the Affiant may submit proof of receipt of a government entitlement, which includes but is not limited to the following programs:

Food Stamps, Temporary Assistance for Needy Families (TANF), Women Infants and Children (WIC), Supplemental Security Income (SSI), Medicaid

Please see a supervisor if you have any questions or require additional information.

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