

## FILING A MODIFICATION CASE WITHOUT PAYMENT OF FEES

In order to file your modification case with the [clerk of the district court](#), you must pay a filing fee (click [here](#) for current filing fee).

In addition to the filing fee, you will be responsible for other costs. For example, in most cases the other party must be served with a Summons and a copy of the Complaint for Modification. The cost of service by the sheriff depends on several things, including the distance traveled by the sheriff and the number of times the sheriff tries to serve the other party. Typical costs range from \$20 to \$50.

If you cannot afford these costs, Nebraska law allows you to ask the court to have the county pay your costs. In order to have the county pay for the costs in the case, an Affidavit (a paper signed under oath and before a notary public) must be given to the court that shows the court why you are unable to pay the costs.

Enclosed in this packet is a form entitled "Affidavit and Application to Proceed In Forma Pauperis" and a form entitled "Order to Proceed In Forma Pauperis" for the court to sign that allows you to proceed without the payment of costs.

To qualify to have your costs paid by the county, you must show to the court that you cannot afford to pay those costs and that you have no other reasonable way to pay for such costs.

If you wish to ask the court to waive costs, here is what you must do:

- Prepare the [Affidavit and Application to Proceed In Forma Pauperis \(DC 6:7\(1\)\)](#), as well as the [Order to Proceed In Forma Pauperis \(DC 6:7\(2\)\)](#), following the [Instructions for Filling out the Affidavit and Application to Proceed In Forma Pauperis \(DC 6:7\(1a\)\)](#) and the [Instructions for Filling out the In Forma Pauperis Order \(DC 6:7\(2a\)\)](#) and take them with you when you go to court to file your Complaint for Modification.
- When you go to the clerk of the district court to file your case, tell the clerk that you want to ask the court to waive your filing fee and costs. The clerk will take your documents to the judge for review. You should ask the clerk how you will be notified whether or not your Application has been approved.
- If the judge is satisfied that your request is reasonable, the judge will sign the Order and will return it to the clerk of the district court.
- If the judge does not sign the Order, you will have to pay the filing fee in order to file your case. You will also have to pay any service fees once the case is filed.