

FILING A DIVORCE CASE WITHOUT PAYMENT OF FEES

In order to file your divorce 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 your spouse must be served with a Summons and a copy of the Complaint for Dissolution of Marriage. 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 your spouse. Typical costs range from \$20 to \$30.

If the court allows you to serve by publication, there will also be costs for that. Publication in a local paper can cost from \$60 to \$80.

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 \(DC 6:7\(1\)\)](#)" and a form entitled "[Order to Proceed In Forma Pauperis \(DC 6:7\(2\)\)](#)" 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 [In Forma Pauperis Order \(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 Dissolution of Marriage.
- 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 should direct you to a judge who will review your Affidavit and Application to Proceed In Forma Pauperis.
- If the judge is satisfied that your request is reasonable, the judge will sign the Order. Take the Order back to the Clerk of the District Court and file your Complaint for Dissolution of Marriage.
- If the judge does not sign the Order, you will have to pay the filing fee in order to file your divorce case. You will also have to pay any service fees once the case is filed.