

Appendix B

In Forma Pauperis Guide: Request to Not Pay Court Fees

Things to Know:

- The legal term for not paying court fees is “in forma pauperis,” meaning you do not have enough money to pay for court fees.
- You may hear this called “IFP” or “fee waiver.”
- Other costs may be covered by the county if the court grants your fee waiver request, including:
 - Service fees,
 - Witness fees, and
 - Fees associated in cases of appealing a judgment (a final order of the court)
- Your request will **not** be granted if:
 - You have enough money to pay the costs and fees for your case, or
 - Your legal claim is “frivolous or malicious.”
 - If your request is denied because it is “frivolous or malicious,” the court will tell you why.
- If you win and are granted a money judgment in your case, such as in a lawsuit or small claims, any costs that the county paid will be taken from the judgment.

Required Forms for Civil Cases, Appeals, and Emancipation

- Affidavit and Application to Proceed without Payment of Fees (In Forma Pauperis); DC 6:7.1. Use the instructions.
 - Include all information asked for in the Affidavit and Application form
 - Be honest when completing the Affidavit and Application
- Order to Proceed In Forma Pauperis; DC 6:7.2. Use the instructions.

Turning in Your Request

- If you are turning in the Affidavit and Application and the Order at the same time you turn in the forms for your case, your case will not be “filed,”
 - Unless you pay the filing fees,
 - Until after the court grants your request, or
 - Until you pay the fees after the court rejects your request.
- If your request is rejected, you will be notified by the court, and you pay the filing fees. Only after you pay will your forms be considered “filed.”
- If your request is granted, the clerk of the trial court, either county or district, will include the order with your other forms and “file” your case.
- You will not get a case number (sometimes called a Case ID) until your case is “filed.”

