

Court Fee Waiver: Overview & Sample Forms

What does In Form Pauperis mean? *In Forma Pauperis* is a Latin term that means in the form of a pauper. It is used when you cannot afford to proceed with a civil cause of action because of the fees, costs, or security required.

Law You Should Know

A Petition to Proceed *In Forma Pauperis* (IFP) is a request to the court, that due to your poverty, you should not have to pay the filing fee (currently a minimum of \$165, but the fee can be more in some counties) or service costs. **Note that this is a sworn statement to the court, and any false or misleading information could be punishable by law.**

Whenever you plan to file a civil action, a petition for In Forma Pauperis can be submitted to get the court to waive the costs involved. Generally, a court will base your ability to pay on what you own and how much money you make. To get a court to waive the costs, you must file 1) a petition for In Forma Pauperis; 2) an affidavit of means for In Forma Pauperis; and 3) the judge must sign the Order Granting Leave to Proceed in Forma Pauperis.

In an IFP, the party seeking a waiver should fill in her name as petitioner. You will need to sign the Petition and the Supporting Affidavit. **You must have the Supporting Affidavit notarized.** Most banks have a notary that can do this for you for free

For the affidavit, the party should fill in his her name as the Plaintiff/Petitioner, and then answer each question honestly and completely. Failing to answer either honestly or completely can result in your petition being denied and could result in criminal perjury charges being filed against you.

What Happens Next

Although most documents are to be filed in the Court Clerk's Office of your county these IPF documents may need to be taken directly to the Judge's Clerk for approval. Before approaching the judge's clerk you should start by asking the court clerk if they will accept the IFP documents. If not you may take the forms to any Circuit Judge in your county. You will also need to take a copy of the Complaint you want to file with the court to the judge. If the judge decides that you are unable to pay the filing fee then the judge will sign the Order Granting Leave to Proceed in Forma Pauperis.

You will then file the Request, Affidavit, and Order with the court clerk. Once all of these documents have been filed with the court clerk, you may proceed in filing your Complaint, Motion or Petition. The clerk of the court will generally not file the Request and Affidavit until the Order is entered.

Make sure to keep a copy of all forms for yourself. These forms are available as interactive forms on www.ArkansasLegalServices.org

Disclaimer: *The ALSP Law Series is produced by the Arkansas Legal Services Partnership, a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal services to eligible Arkansans who meet income, asset and other guidelines. Legal services may include advice and counsel, brief services, or full representation depending on the situation. Additional information can be found at: arlegalservices.org. To apply for services, call 1-800-9LAW AID.*

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

IN THE _____ COURT OF _____ COUNTY, ARKANSAS

IN RE PETITION OF _____
TO PROCEED IN FORMA PAUPERIS

CASE NO. _____

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW the Plaintiff, _____, *pro se*, who hereby petitions the court for Leave to Proceed *In Forma Pauperis* and does allege and state as follows:

1. That Plaintiff, a resident of the State of Arkansas, has prepared and desires to file with this Court a _____.

2. That Plaintiff has completed an Affidavit in Support of Request to *Proceed In Forma Pauperis* setting out his/her income and assets. Plaintiff's Affidavit accompanies this petition.

3. That Plaintiff's income barely suffices to meet the costs of life's daily essentials and includes no allotment that could be budgeted to pay for court fees and costs incident to this proceeding.

4. That Plaintiff has no other income in addition to that described in his/her Affidavit and no means of paying such costs without being reduced to total impoverishment.

6. That Plaintiff believes that he/she is entitled to the relief requested in the accompanying _____ and that such action is not brought for a frivolous or malicious purpose.

WHEREFORE, Plaintiff prays that the court enter an order allowing the Plaintiff to prosecute this action *In Forma Pauperis* and that the Plaintiff may have the necessary writs and processes without payment of fees or costs for the same.

Respectfully submitted,

SIGNATURE: _____

ADDRESS: _____

PHONE: _____

IN THE _____ COURT OF _____ COUNTY, ARKANSAS

IN RE PETITION OF _____
TO PROCEED IN FORMA PAUPERIS

CASE NO. _____

AFFIDAVIT IN SUPPORT OF
REQUEST TO PROCEED IN FORMA PAUPERIS

I, _____, being first duly sworn, depose and say that I am the petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or to give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? YES/NO
 - a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer.
 - b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.
2. Have you received within the past twelve (12) months any money from any of the following sources:
 - a. Business, profession, or any form of self-employment? YES/NO
 - b. Rent payments, interest, or dividends? YES/ NO
 - c. Pensions, annuities, or life insurance payments? YES/NO
 - d. Gifts or inheritances? YES/NO

e. Any other sources?

YES/NO

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve (12) months:

3. Do you have any money on hand, or do you have money in a checking, savings, or other bank account? YES/NO

If the answer is "yes," state the total amount of money you have on hand and in each account:

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? YES/NO

If the answer is "yes," describe the property and state its approximate value:

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

6. [TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION]

Do you have any funds in the inmate welfare funds?

YES/NO

If the answer is "yes," state the total amount in the account and have the certificate, found below, completed by the authorized officer of the institution.

I understand that a false statement or answer to any questions in the affidavit will subject me to penalties for perjury.

Signature of Petitioner

STATE OF ARKANSAS)
) SS
COUNTY OF _____)

The Petitioner, _____, being first duly sworn under oath, presents that he/she has read and subscribed to the above and states that the information therein is true and correct.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Notary Public

My commission expires: _____

(SEAL)

CERTIFICATE

(To be completed by authorized officer of the penal institution)

I hereby certify that the petitioner herein, _____, has the sum of \$ _____ on account to his/her credit at the _____ institution where he/she is confined.

I further certify that petitioner likewise has the following securities to his/her credit according to the records of said institution:

Authorized Officer of the Institution

IN THE _____ COURT OF _____ COUNTY, ARKANSAS

IN RE PETITION OF _____
TO PROCEED IN FORMA PAUPERIS

CASE NO. _____

ORDER GRANTING LEAVE TO PROCEED *IN FORMA PAUPERIS*

On this day comes on to be heard the petition of _____, that he/she be permitted to prosecute the above action *In Forma Pauperis*. The Court being satisfied of the truth of the facts alleged and good cause appearing thereto, IT IS HEREBY ORDERED:

1. That Plaintiff, _____, be authorized and permitted to proceed in the above-captioned cause, *In Forma Pauperis*.
2. That the Clerk of the Court shall receive and file any necessary forms or pleadings incident to petitioner's action without requiring the payment of fees or costs.
3. That the sheriffs of the counties of the State of Arkansas shall serve writs or processes incident to petitioner's action without requiring the payment of fees or costs.
4. That no other officer shall require of the petitioner any fee or cost incident to this action.

IT IS SO ORDERED.

Judge

Date