

Instructions and Forms for Petition for Waiver of Filing Fees

(Based on inability to pay)

For Civil Actions, or Civil Cases, and Small Claims Court Cases only

ND Legal Self Help Center Staff and Court employees **can't** help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Forms **aren't** official forms. Judges and courts **aren't** required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed Waiver of Filing Fee forms.

The Waiver of Filing Fee forms can be used if you're unable to pay the filing fee. Fill out the forms as completely and accurately as possible. The judge or judicial referee decides whether you qualify for waiver of filing fees.

Type your answers or print neatly using dark ink. (*Hand-written forms must be readable.*)

Consult a [lawyer](#) if you don't know how to answer the questions on these forms.

Step One:

Fill Out The Petition For Waiver Of Filing Fees (*Form 1*)

Fill out the "Petition for Waiver of Filing Fees" form (*Form 1*) included in this packet. This form asks the court to permit you to file your case without paying the required filing fee.

Caption (Top of Form):

- Fill in the name of the county where your case is located and the civil or Small Claims case number which is also called the "Civil No."
 - On the line marked "Plaintiff/Petitioner", fill in the name of the Plaintiff/Petitioner.
 - On the line marked "Defendant/Respondent", fill in the name of the Defendant/Respondent.

Paragraph 1:

- If you're the Plaintiff/Petitioner in the case, put a (✓) in the "Plaintiff/Petitioner" checkbox. If you're the Defendant/Respondent in the case, put a (✓) in the "Defendant/Respondent" checkbox.

Paragraph 2:

- Put a (✓) in the checkbox that matches your selection in Paragraph 1.

Date and Signature:

- Date and sign the Petition.
- Complete the lines following the signature line.

Step Two:
Fill Out The Financial Declaration In Support Of Petition For Waiver Of Filing Fees (*Form 2*)

Fill out the "Financial Declaration in Support of Petition for Waiver of Filing Fees" form (*Form 2*) included in this packet. This form tells the Court about your financial circumstances and why it's a hardship for you to pay the filing fee.

Filling In The Top Part Of The Form (*the caption*):

- Fill in the top part of the form the same way you filled in the top of your Petition for Waiver of Filing Fees form (*Form 1*) in Step 1.

Paragraph 1:

- Fill in your full name in the space provided.

Paragraph 2 – Assets:

- In the **first table**, tell the Court the current amounts of:
 - Cash you have on hand;
 - Money deposited in financial institutions;
 - Stocks and bonds; and
 - Total amounts of cash, money deposited in financial institutions, stocks and bonds.

In the **second table**:

- List all other assets, each asset's approximate value, and who is in possession of the asset.
- Total the values of each asset you list.
- **Attach additional sheets if necessary and indicate that you have done so on the form.**
- At the end of Paragraph 2, provide the court with a **total of the value** of all of your assets listed in the two tables.

Paragraph 3 – Liabilities:

- Tell the court about your debts. List each debt separately, naming the creditor, the unpaid balance and the monthly payment.
- **Attach additional sheets if necessary and indicate that you've done so on the form.**
 - At the end of Paragraph 3, provide the court with a **total amount of all of your debts.**

Paragraph 4 – Income:

- Tell the court about your monthly income and your spouse's monthly income. Write an amount for each category, even if the amount is "0". (*You may find the information requested on a pay stub, W-2 form, or your most recent income tax return.*)
- If you don't have a spouse, type or write "N/A" in each category in the "Spouse's Income" row.
 - List all deductions taken from your pay check or gross income. If you don't have a deduction for health insurance, for example, place a "0" on that line.
 - For "**Total Deductions**," provide the total of all of the deductions.
 - For "**Net Income**," subtract the "**Total Deductions**" total from the "**Gross Income**" total.
 - At the end of Paragraph 4, tell the court how often you're paid. Do the same for your spouse. If you don't have a spouse, type or write "N/A."

Paragraph 5 – Expenses:

- Tell the court about your monthly expenses, and the expenses of other members of your household.
- Write an amount you spend each month for the category provided. If you don't have an expense for a category, type or write "0".

- At the end of Paragraph 5, provide the court with a **total of your necessary monthly living expenses**.

Paragraph 6, Date and Signature (*Read Paragraph 6 carefully!*):

By signing your name, you're telling the Court that everything you included in this Declaration is true and correct, and you have a good faith reason for your requests. If you're not telling the truth, if you're misleading the Court, or if you're filing this Declaration for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

- Fill in the name of the City, County, State and Country where you're physically located when you sign the Declaration.
 - Sign your name.
 - Fill in your printed name, address, telephone number, and email address.

Step Three:

Fill Out The Order Waiving Filing Fees (*Form 3*)

Fill out the "Order Waiving Filing Fees" form (*Form 3*) included in this packet. This is your **proposed** Order for the judge or judicial referee to sign. If the judge or judicial referee grants your Petition and waives the filing fee, they will sign an Order. If the judge or judicial referee grants your Petition, they'll also decide whether to use your proposed Order.

Filling In The Top Part Of The Form (*the caption*):

- Fill in the top part of the Order Waiving Filing Fees form (*Form 3*) the same way you did on your Petition for Waiver of Filing Fees form (*Form 1*) in Step 1.

Paragraph 1:

- If you're the Plaintiff/Petitioner in the case, put a (✓) in the "Plaintiff/Petitioner" checkboxes. If you're the Defendant/Respondent in the case, put a (✓) in the "Defendant/Respondent" checkboxes.

Don't sign this form. Go to step 4.

**Step Four:
Makes Copies Of Completed Forms**

Make **one copy** each of the completed "Petition for Waiver of Filing Fees" (*Form 1*) and completed "Financial Declaration in Support of Petition for Waiver of Filing Fees" (*Form 2*). Keep the copy of each form for yourself.

**Step Five:
File The Original Forms With The District Court**

Take the **original** of the "Petition for Waiver of Filing Fees" form (*Form 1*), the "Financial Declaration in Support of Petition for Waiver of Filing Fees" (*Form 2*), and the "Order Waving Filing Fees" (*Form 3*) to the Clerk of Court's Office in the county where your civil case or Small Claims Court case is located.

Tell the Clerk of Court that you wish to file the documents. You may file the forms at the same time you file your documents that generate the filing fee.

**Step Six:
Wait To See How The Judge or Judicial Referee Decides Your Petition**

The court will notify you if you can proceed without paying the filing fees by sending a signed copy of an Order to you.

If the judge or judicial referee grants your Petition and uses your proposed Order, you'll receive a copy of the completed and signed Order Waiving Filing Fees form. If the judge or judicial referee grants your Petition, but doesn't use your proposed Order, you'll receive a copy of their Order.

If the judge or judicial referee **grants your Petition**, you'll be able to proceed without paying the filing fees.

If the judge or judicial referee **doesn't grant your Petition**, you'll receive a copy of the Order denying your Petition. You'll have to pay the filing fees before your documents can be filed in the case.

Lawyer Resources and Limited Legal Representation

You aren't required to hire a lawyer to access the North Dakota state court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

Lawyer Resources

If you'd like to learn more about finding a lawyer to represent you, go to ndcourts.gov/legal-self-help/finding-a-lawyer. You may also find the following options of interest.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is legalassist.org.
- **Dakota Plains Legal Services** is a non-profit legal services organization that provides free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available on the DPLS webpage of dpls.org.
- **The State Bar Association** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is sband.org.
- **For a list of all lawyers who are licensed to practice in North Dakota**, go to the North Dakota Supreme Court website at ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called "unbundling") is a way that a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your paperwork, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

North Dakota Free Legal Answers

This civil legal program is a partnership of the American Bar Association and the State Bar Association of North Dakota.

The purpose of the program is to provide free answers to **specific** civil legal question to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer lawyers answer your question, but can't represent you.

Go to nd.freelegalanswers.org/ for information about the program, the online application, and, if you qualify, ask your civil legal question.

Please note that this program **doesn't** provide any assistance with criminal legal questions.

****Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.****

State Of North Dakota

In District Court

County Of _____
(County where case is filed)

_____ Judicial District
(If unknown, leave blank)

_____)
Plaintiff/Petitioner,)
)
vs)
)
_____)
Defendant/Respondent.)

Civil No. _____
(Filled in by Clerk of Court)

Petition For Waiver Of Filing Fees

1. The (choose one) Plaintiff/Petitioner Defendant/Respondent, Petitions the Court under Section 27-01-07 of the North Dakota Century Code for an Order waiving the filing fee in the above matter.

2. This Petition is based on the (choose same option as Paragraph 1)
 Plaintiff's/Petitioner's Defendant's/Respondent's (choose same option as Paragraph 1) inability to pay the filing fee as more fully appears in the attached Financial Declaration in Support of Petition for Waiver of Filing Fees.

Dated: _____

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

State Of North Dakota

In District Court

County Of _____
(County where case is filed)

_____ Judicial District
(If unknown, leave blank)

_____)
Plaintiff/Petitioner,)
)
v.)
)
_____)
Defendant/Respondent.)

Civil No. _____
(Filled in by Clerk of Court)

**Financial Declaration in Support of
Petition For Waiver Of Filing Fees**

1. My name is (name of individual petitioning for waiver of filing fees).

_____. I understand that I must tell the truth.

2. Assets.

I have cash on hand:	\$
I have on deposit in financial institutions:	\$
I have stocks and bonds in the amount of:	\$
Total	\$

Other assets and approximate value (list):

Item	Value	In Possession Of
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
Total	\$	

Total Assets: \$ _____

3. Liabilities.

Creditors	Unpaid Balance	Monthly Payment
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

Total Liabilities: \$ _____

4. Income. My monthly income, and that of my spouse, is as follows:

	My Income	Spouse's Income
Gross Income	\$	\$
Deductions	\$	\$
Federal Tax	\$	\$
FICA	\$	\$
Medicare	\$	\$
State Tax	\$	\$
Health Insurance	\$	\$
Retirement	\$	\$
Savings	\$	\$
Other	\$	\$
Total Deductions	\$	\$
Net Income	\$	\$

My pay period is every _____.

My spouse's pay period is every _____.

5. Expenses. My current monthly expenses to support myself and my child(ren) are as follows:

House/Rent Payment	\$
Gas/Electricity	\$
Homeowner's/Rent Insurance	\$
Water	\$
Telephone	\$
Cable/Satellite Television	\$
Internet	\$
Food And Household Items	\$
Clothing	\$
Laundry	\$
Life Insurance	\$
Automobile Insurance	\$
Transportation	\$
Child Case	\$
School Expenses	\$
Unreimbursed Medical, Dental, Optical	\$
Newspaper And Magazines	\$
Donations	\$
Entertainment	\$
Other:	\$
Total	\$

6. I state, under penalty of perjury under the law of North Dakota, that everything I stated in the Financial Declaration in Support of Petition for Waiver of Filing Fees is true and correct.

Signed on _____ (date), in _____ (city),
_____ (county), _____ (state), _____ (country).

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

State Of North Dakota

In District Court

County Of _____

_____ Judicial District

_____)
)
 Plaintiff, Petitioner,)
 v.)
)
 _____)
 Defendant/Respondent.)

Civil No. _____

Order Waiving Filing Fees

- The Court duly considered the Plaintiff's/Petitioner's Defendant's/Respondent's (choose one), Petition for Waiver of Filing fees and Financial Affidavit seeking a waiver of the filing fee under Section 27-01-07 of the North Dakota Century Code in the above matter and it appearing to the Court that the Plaintiff/Petitioner Defendant/Respondent (choose same option as above) is unable to pay such filing fee;
- It Is Hereby Ordered** that the filing fee in the above matter be waived and that the Clerk of District Court cause the same to be filed without a filing fee.

By The Court:

 Judge of District Court