

Instructions and Forms for Petition for Waiver of Fees

**Court Personnel Cannot Help You Fill out
the Form(s) in this Packet.**

Important notices

- ! **Warning: you cannot use these forms unless you are unable to afford the filing fee.**
- ! The court expects every person who appears in court without a lawyer to know and follow the law.
- ! Court staff **cannot** help you fill out the form(s) in this packet.
- ! You **must** fill out all forms included with this packet and you **must** follow the instructions included with this packet.
- ! You should see a lawyer if you don't know how to answer the questions on these forms or if you think the other party will hire a lawyer.
- ! Type your answers or print neatly using dark ink.

INSTRUCTIONS

STEP 1

FILL OUT PETITION FOR WAIVER OF FEES

Fill out the “Petition for Waiver of Fees” form (FORM 1) included in this packet. This form asks the court to permit you to file your action without paying the required filing fee.

FILLING IN THE TOP PART OF THE FORM (this is known as “the caption”):

1. Write the name of the county where your case is located and the case number which is also called the “Court file number.”
2. On the line marked “plaintiff,” write the name of the plaintiff as listed on your current visitation order or divorce or paternity judgment or action.
3. On the line marked “name of defendant,” write the name of the defendant as listed on your current visitation order or divorce or paternity judgment or action.

DATE AND SIGN THE PETITION FOR WAIVER OF FEES.

STEP 2

FILL OUT THE FINANCIAL AFFIDAVIT IN SUPPORT OF PETITION FOR WAIVER OF FEES FORM

Fill out the “Financial Affidavit in Support of Petition for Waiver of Fees” form (FORM 2) included in this packet. This form tells the Court your financial circumstances, which make it hardship for you to pay the filing fee. Fill in the top part of the form the same way you did on your Petition for Waiver of Fees form (FORM 1) in Step 1.

1. Write the name of the county where your case is located and the case number which is also called the “Court file number.”
2. On the line marked “name of plaintiff,” write the name of the plaintiff as listed on your current visitation order or divorce or judgment or action.
3. On the line marked “name of defendant,” write the name of the defendant as listed on your current visitation order or divorce or paternity judgment or action.

FILLING OUT THE REST OF THE FORM:

You **MUST** answer questions in sections A, B, C, and D. Fill in your full name in the space provided. Then provide the following information:

PART A

4. On line 1, tell the court the amount of cash you have on hand in your possession.
5. On line 2, tell the court the current amount of money you have deposited in banks or financial institutions.
6. On line 3, tell the court the amount and value of any stocks or bonds that you own.
7. In the spaces provided on lines 5-10 list all other assets that you have and give the approximate value. You may provide the court with general information. **Attach additional sheets if necessary and indicate that you have done so on the form.**
8. On line 11, provide the court with a total of the value of all of your assets.

PART B

9. Tell the court about your debts. List each one separately, naming the creditor, the unpaid balance and the monthly payment. **Attach additional sheets if necessary and indicate that you have done so on the form.**
10. On line 18, provide the court with a total amount of all of your debts.

PART C

11. Tell the court about your monthly income and your spouses monthly income. If you do not have a spouse, leave that column blank. You may find the information requested on a pay stub, W-2 form, or your most recent income tax return. For questions 20-28 list all deductions taken from your pay check or gross income. If you do not have a deduction for health insurance, for example, place a "0" on that line.
12. On line 29, write the total of all of the numbers on lines 20-28. These are your total deductions.
13. On Line 30, write the number that you get by subtracting the total of line 29 from line 19. This is your net income.
14. On line 31, tell the court the how often you are paid. Do the same for your spouse if you have one.

PART D

15. Tell the court about your monthly expenses, and the expenses of other members of your household. On lines 32-51, write an amount you spend each month for the

category provided. If you do not incur an expense for childcare, for example, place a "0" on that line.

16. On line 52, provide the court with a total of your necessary monthly living expenses.

Do not date and sign your financial affidavit until you are in the presence of a notary public or the clerk of court. Make sure to bring identification to show to the notary public or clerk of court. A Notary Public can usually be found at a bank and sometimes at the courthouse.

WARNING: By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests.

STEP 3
FILL OUT THE ORDER WAIVING FILING FEES

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

1. Write the name of the county where your case is located and the case number which is also called the "Court file number."
2. On the line marked "name of plaintiff," write the name of the plaintiff as listed on your current visitation order or divorce or judgment or action.
3. On the line marked "name of defendant," write the name of the defendant as listed on your current visitation order or divorce or paternity judgment or action.

Do not write anything else on this form. The court will fill out The remainder of this form. Proceed to step 4.

STEP 4
MAKE COPIES OF FORMS

1. Make one copy each of the "Petition for Waiver of Fees" (FORM 1) and "Financial Affidavit in Support of Petition for Waiver of Fees" (FORM 2). Keep the copy of each form for yourself.
2. Step 5 tells you what to do with the originals of the forms.

STEP 5
FILING THE FORMS WITH THE COURT

Take the original of the "Petition for Waiver of Fees" form (FORM 1), the "Financial Affidavit in Support of Petition for Waiver of Fees" (FORM 2), and the "Order Waving Filing Fees" (FORM 3) to the Clerk of Court's Office in the county where your case is located. Tell the Clerk of Court that you wish to file the documents.

STEP 6

WAIT TO SEE HOW THE COURT DECIDES YOUR PETITION

The court will notify you if you can proceed without paying the filing fee, by sending a signed copy of the Order Waiving Filing Fees to you. If the court approves your petition, you will be able to proceed without paying the filing fee. If the court does not approve your petition, then you will have to pay the filing fee before your case will be opened.