

IN FORMA PAUPERIS

How to ask to be excused from paying court costs

Normally, when you start a case in court, you have to pay various costs and fees, such as (a) a fee for starting the case, called a “filing fee,” and (b) a fee for having the Sheriff serve the necessary court papers on the other party in the case. There are additional costs which may be required for other pleadings or actions in a case, as well.

However, under Pennsylvania law, a person can be excused from paying those fees if the person is “without financial resources to pay the costs of litigation...” The technical name for this status is “*in forma pauperis*” or IFP.

In order to ask for IFP status, you must file a “PETITION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS” with the Court, in which you give the Judge detailed information about your financial situation. The required form is attached to these instructions, along with a form order for the Judge. The current fee schedule for the Prothonotary’s Office can be found at www.chesco.org/courts.

Please fill out the attached form Petition completely:

1. Unless yours is the very first pleading in a case, complete the caption [the title of your case] exactly as it appears on all of the pleadings in your case. The caption does not change when someone becomes a petitioner or a respondent.
2. Make sure the financial information is complete and all requested documentation is provided. There must be an answer on EVERY line. Even if a line does not apply to you or the answer is “nothing,” then you must write a zero on the line. **If any line is left blank, the petition will be denied.**
3. The proposed Order granting/denying your petition must be attached to your pleading. Make sure the caption is filled in.
4. Attach a copy of the pleading you intend to file for which you are seeking a waiver of fees.
5. Sign and date the petition. Note: You are verifying that the information you are providing is true and correct and subject to penalties if not true and correct.
6. File the petition with the Prothonotary. Leave an extra copy with the Prothonotary and keep a copy for yourself.
7. **Be certain the petition includes your phone number because the Prothonotary’s office will call you to pick up the order when it is completed by the Judge.**

After the Judge reviews the papers, she or he will enter an order, either granting or denying you permission to proceed IFP.

1. If your petition is granted, you will not have to pay the filing fee, service fee, or other “cost of litigation” specifically listed in the order. **NOTE: You will have to file another Petition with supporting documents for any additional fee waiver requests, even in the same case.**
2. If your petition is denied, you will be responsible to pay such costs/fees and you will be given 15 days by which to pay the costs or your case will not proceed. You may not take any action on your case until the fees/costs are paid and failure to do so may result in your matter being terminated.

Court personnel and county employees are *not* permitted to help you fill out these papers or give you legal advice.