

**INSTRUCTIONS - WAIVER OF COURT FEES AND COSTS
(IN FORMA PAUPERIS)
Minnesota Statutes § 563.01**

If you cannot afford to pay court fees and costs, you may be able to have these fees and costs waived. Under the law, the court can waive these fees and costs if:

1. You are receiving public assistance under one or more of the following programs:

Minnesota Family Investment Plan (MFIP), MFIP-Emergency Assistance, or MFIP-Diversionary Assistance; General Assistance or Emergency General Assistance; Medical Assistance or General Assistance Medical Care; Food Stamps; Supplemental Security Income; Minnesota Supplemental Assistance (MSA) or MSA-Emergency Assistance; Energy Assistance.

OR

2. You are represented by a legal services or volunteer attorney on behalf of a civil legal services program or a volunteer attorney program based on indigence.

OR

3. Your annual family income before taxes is less than 125% of the Federal Poverty Guidelines (2011 figures) for your family size as indicated below.

Maximum Income Level – 125% of Poverty

Please Check Your Family Size	Size of Family Unit	Annual Family Income Before Taxes	Monthly Family Income Before Taxes	Weekly Family Income Before Taxes
	1	\$ 13,613	\$ 1,134	\$ 262
	2	\$ 18,388	\$ 1,532	\$ 354
	3	\$ 23,163	\$ 1,930	\$ 445
	4	\$ 27,938	\$ 2,328	\$ 537
	5	\$ 32,713	\$ 2,726	\$ 629
	6	\$ 37,488	\$ 3,124	\$ 721
	7	\$ 42,263	\$ 3,522	\$ 813
	8	\$ 47,038	\$ 3,920	\$ 905

More than 8 members, add \$4,775 annually for each additional family member (or \$398 monthly or \$92 weekly)

Number of family members: _____ Calculate and enter figure here: \$ _____

OR

4. Your income is not enough to pay for the common necessities of life for yourself and the people you support and also to pay court fees and costs.

If you believe you meet one of the categories above, you can apply to proceed *In Forma Pauperis* (the Latin title used to describe the procedure for waiver of court fees and costs).

STEP 1: Complete the *Affidavit for Proceeding In Forma Pauperis*. Do not sign the form until you are in front of the court administrator or notary public. Make sure you attach copies of any documents requested on the form, such as proof of public assistance, etc.

STEP 2: Complete the case heading for the *Order Denying / Granting In Forma Pauperis*. The case heading (name of Plaintiff/Petitioner and Defendant/Respondent, etc.) should match your *Affidavit for Proceeding In Forma Pauperis*. The rest of the order can be left blank. The judge will decide whether to sign the section denying or granting the order based on the information you provide.

STEP 3: File these documents with the Court Administrator. You can sign the *Affidavit for Proceeding In Forma Pauperis* in front of the court administration staff. The staff person will tell you the procedures for having a judge review your application.

If the judge grants your request to waive fees and/or costs, the order will only apply to the court case listed in the caption of the *In Forma Pauperis* (IFP) order. The IFP order will expire one year from the date of the order. The court may alter or amend the order at any time before expiration of the order. If the court action is not resolved before the expiration date of the IFP order and other fees or costs are required to be paid, you will need to fill out another *In Forma Pauperis Application* or *Supplemental In Forma Pauperis Application*.

If you have any questions and cannot afford an attorney, you may wish to consult the legal aid office, legal services office, or lawyer referral service in your county (listed in the yellow pages under “Attorneys”), or by going to www.lawhelpmn.org.

<p>Helpful materials may be found at your public county law library. For a directory, see http://www.lawlibrary.state.mn.us/cllppubdir.rtf . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.</p>
