

Filing a Motion to Proceed In Forma Pauperis (IFP)

Who should use this publication?

You should use this publication if:

- you're going to file a family law case , and
- you can't afford to pay all of the filing fee.

This publication will help you figure out how to ask to have some or all of that fee waived.

What is an IFP?

“In forma pauperis” refers to a motion filed by a low-income person in order to proceed in court without having to pay court costs, usually filing fees. It doesn't usually cover other costs, such as those involved in discovery (depositions, witness fees, court reporters, etc.) and service of process.

What is a filing fee?

The court requires most people to pay a filing fee ranging from \$36 to \$250 to begin your family law case. The amount of the fee depends upon the type of case and the county. (The filing fee for modifications in some counties is \$36, and the fee for filing a dissolution action in some counties is \$250.00).

If you can't pay the filing fee or paying it would be hard for you, you can ask the court to waive (not ask for) the filing fee by filing a motion.

You mentioned other fees involved in a court case. Can I get those waived too?

Some courts may also waive other costs such as court-certified copies of your papers. Certain fees, such as the sheriff's charges for serving papers, can't be waived. Ask your Superior Court clerk or your facilitator (if your county has one) what other fees besides the filing fee your court may waive. You can use your motion to ask for the waiver of more than the filing fee, if allowed.

Words you may need to know:

- Dissolution: In Washington State, a divorce is called a dissolution.

- Ex parte: Going before the court without notifying the other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.
- Filing: Giving court papers to the Court Clerk to place in the case file.
- In forma pauperis: Called “IFP” for short. A Latin term, meaning the judge may allow you to file your papers in court without paying the filing fee if you’re low income and can show you can’t afford the fee.
- Petition: The document that starts a case and asks the court for a decree, judgment, or final order.
- Waive: Asking a court to waive a fee means asking the court to not collect a fee from you.

What forms will I need?

Before filling out these forms, **first check with the Clerk of the Superior Court in your county to find out if they want you to use their own special forms for this Motion.** Some counties require you to use forms specific to their county. If your county has no special requirements for a Motion to Proceed In Forma Pauperis, use the forms in this packet.

You can use this packet for all family law cases except for habeas corpus petitions.

How do I file a Motion to Proceed in IFP?

Every county has its own special procedure for handling IFP’s. At this time, we only have publications describing the procedures in Cowlitz and Yakima Counties. Call CLEAR or get them at www.washingtonlawhelp.org. For all other counties: Once you finish filling out your forms, contact your Superior Court clerk or your facilitator (if your county has one) to find out how to get your papers to a judge for review and signing.

Summary of steps to take:

1. Check with the Superior Court clerk or facilitator in the county where you’re going to file your case to find out which forms to use. Get those.
2. Fill out the forms completely.
3. Ask the Superior Court clerk (or facilitator) about the procedure for getting your Motion in front of a judge for review.
4. Do as the clerk or facilitator advises.
5. Check to see whether the judge signed the order.
6. File your petition, paying any part of the fee ordered by the judge.

General Instructions

Read these instructions before you begin to fill out any of the forms

- A. **THE CAPTION.** The caption is the name of your case. It appears at the top of the first page of every form.
- **Follow the instructions in the family law packet you are using** to fill in the caption (example: the *Filing for a Dissolution of Marriage* packet).
- B. **CASE NUMBER.** When you file your family law case, the court clerk will give you a case number. Your case number must appear on every form you use. As soon as you get a case number, write it near the top on the right-hand section of the page after "No." The case number's on the right, above the title. Some counties have stamps with the case numbers on them. This is faster and ensures the case number is consistent and readable. Ask the clerk if s/he has a docket number stamp or if you need to write the number in yourself.
- C. **TITLE.** Each form has a title. The title of the form you'll be filing has already been filled in: "MOTION AND ORDER TO PROCEED IN FORMA PAUPERIS."
- D. **THE CONTENTS.** Fill out each form according to the instructions for that form. Whether you print or type the information, it must be readable and you must use **BLACK INK**. After filling out each form, re-read it to be sure you've correctly filled in all the blanks you need to. If you have to make corrections, use a new, blank form. If the correction is only one or two words, use "white out." The corrections must be neat and readable.

Instructions for IFP Forms

A. Motion and Order

1. Motion:

- Fill in the caption according to the instructions of the self-help packet you're using.
- Print your name as petitioner in the first blank
- Date and sign the motion.
- Print your name under your signature.

2. Order:

- Sign your name under "presented by." Print your name on the line below that.

B. Declaration:

- Fill in the caption.
- Print your name in the first line of the text.

Paragraph 3:

- Explain who lives in your household. (Example: “my household consists of myself and two minor children.”)
- State your monthly household income and where it comes from.
- List your expenses.
- If you have assets beyond those stated in the form, write them in.
- Sign and date your declaration. Write the city and state where you signed it. Print your name under your signature.

When you get your papers back: Review the box that the judge marked to know how to proceed:

- If your motion’s been denied, you can’t file your court action until you can pay the filing fee in full.
- If your motion’s been granted, take the order with your other paperwork to the clerk’s office and file your court action.
- The judge may have ordered you to pay a minimal fee.

3204EN

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, October 2009.

© 2009 Northwest Justice Project — 1-888-201-1014, TTY 1-888-201-9737

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial use only.)

**SUPERIOR COURT OF WASHINGTON
COUNTY OF _____**

In re:

Petitioner(s),

and

Respondent(s).

NO. _____

**MOTION AND ORDER TO PROCEED
IN FORMA PAUPERIS**

(No Mandatory Form Developed)

I. MOTION

Petitioner, _____, moves this Court for an order as follows:

1. Allowing commencement and prosecution of this action in forma pauperis; and
2. Directing the Clerk of the Court to file and issue papers and pleadings as required by the petitioner without the payment of any fees, costs, or charges, subject to recovery from the opposing party.

This motion is based upon the attached declaration.

DATED: _____

Petitioner

Print or Type Name

II. ORDER

THIS MATTER having come before the undersigned this day on petitioner's motion, and the Court, having reviewed the files and records herein, and finding that petitioner has presented a sufficient declaration to proceed in forma pauperis,

IT IS HEREBY ORDERED THAT the Petitioner is hereby allowed to prosecute this action in forma pauperis, and the Clerk of this Court is directed to file and issue papers and pleadings as requested by petitioner without prepayment of any fees, costs, or charges whatsoever, subject to recovery of costs from the opposing party.

DONE IN OPEN COURT this ____ day of _____, _____.

JUDGE/COURT COMMISSIONER

Presented by:

Petitioner

Print or Type Name

**SUPERIOR COURT OF WASHINGTON
COUNTY OF _____**

In re:

Petitioner(s),

and

Respondent(s).

NO.

**DECLARATION IN SUPPORT OF
MOTION TO PROCEED IN
FORMA PAUPERIS**

(No Mandatory Form Developed)

Petitioner, _____, hereby certifies and declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am the Petitioner in this action. This proceeding is brought in good faith and it is my present intention to proceed to a final order on the merits of my petition.
2. I believe I have valid reasons for bringing this action and that I am entitled to relief
3. I have no means or ability with which to pay any of the legal fees, charges, costs, or disbursements necessary to commence and prosecute this action or with which to post security for same.
4. My household consists of myself and _____
_____. My income per month is _____.

\$ _____, which is derived from _____. With this income I have the following monthly expenses:

| | |
|----------------|----------|
| Rent | \$ _____ |
| Phone | \$ _____ |
| PUD/Utilities | \$ _____ |
| Food | \$ _____ |
| Transportation | \$ _____ |
| Insurance | \$ _____ |
| Medical | \$ _____ |
| Laundry | \$ _____ |
| Babysitting | \$ _____ |
| Clothing | \$ _____ |
| Miscellaneous | \$ _____ |
| Total | \$ _____ |

5. My assets consist of household furnishings of nominal value and clothing and personal effects for myself and my children.

6. I have no assets or income other than those stated above. I have no means or ability to pay any of the legal fees, charges, costs, or disbursements necessary to prosecute this action or to post security.

SIGNED AND DATED on _____, at _____,
Washington.

Petitioner

Print or Type Name

Filing a Motion to Proceed In Forma Pauperis
EVALUATION FORM

Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

Danielle Rebar
Northwest Justice Project
401 2nd Avenue South, Suite 407
Seattle, WA 98104

1. Where did you get this book? _____
2. What is your primary language? _____
3. Are you a *low-income person? yes no
[*\$900 for household of 1; \$1400 for 2; \$1700 for 3; \$2000 for 4; \$2200 for 5]
4. What is the last grade you completed in school? _____
5. Did you read the instructions? yes no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your court action? yes no
6a. If yes, what agency or individual helped you? _____
7. Did you use the legal forms? yes no
8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

9. Did you find any mistakes? yes no
If yes, what mistakes were found? _____

10. Today's Date: _____
11. Other Comments or Suggestions: _____
