Instructions Packet 1C: Motions/Oppositions

Application and Order to Proceed in Forma Pauperis

* * IMPORTANT DISCLOSURE * * *

This information is provided as a courtesy only. The Self-Help Center shall not be liable for errors contained herein or for direct, indirect, special or consequential damages in connection with the furnishing of this material.

Many family law matters involve complex and valuable legal rights. These forms and instructions are basic, general forms, and *may not* fit all situations. Some rights cannot be adequately protected without the assistance of an attorney. You should consult with an attorney before you attempt to use self-help.

Warning: Willfully making false statements to the Court under penalty of perjury may be a category D felony punishable for a term of up to 4 years of imprisonment and a fine of $5,000.

Brief Explanation: In order to file a motion or opposition in a case AFTER there has been a final order or decree, there is a $25.00 filing fee. An Application to Proceed in Forma Pauperis is the form a person must use to request that the Court waive the filing fee. If the judge grants your request, you can file your motion or opposition free of charge.

It is important to understand that proceeding in forma pauperis is only for the truly indigent. This process exists so that all persons, regardless of income, have access to the court system.

I. Step 1: Prepare your Documents - Each document is in a fill-in-the-blank format. Each blank must be filled in. Forms that are incomplete will be returned for correction.

II. Step 2: How to File Your Documents

a. Once all of your documents are completed, (the Application to Proceed in Forma Pauperis, the Order to Proceed in Forma Pauperis, the Motion/Opposition, and all supporting documents) make three copies of each document.

b. Next, take all of your documents to the 3rd floor of the Family Courts and Services Center and leave the documents in the box with your judge's department letter on it. For example, if you are in Department A, leave the documents in the box that has an "A" on it.

II. Step 3: The Court's Review of the Documents

a. If the judge approves the Application, he/she signs the Order to Proceed in Forma Pauperis you submitted. Next, the judge sends the documents to the Clerk's office to be filed. The Clerk's Office then mails filed copies of the documents back to you via the U.S. Postal Service.

b. If the judge denies the Application, the judge's law clerk will write a brief note explaining why the Application was denied. If your Application is denied you must pay the filing fee in order to file your motion/opposition.

c. If there is a problem with your documents the Clerk's Office will mail them back to you via the U.S. Postal Service with a note from the judge's law clerk explaining what the problem is.

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