



Help Yourself

Fee Waivers in D.C.

In D.C. Family Court, it costs \$80 to start or to intervene in a divorce, custody, visitation, or child support case. Once your case has been started, it costs \$20 to file a *counterclaim* or *motion*. There may also be other costs, such as witness fees, publication of notices, or photocopying charges.

■ **What if I cannot afford to pay the court fees and costs?**

You can ask the court to waive them by filing a Request to Proceed Without Pre-Payment of Costs. You can get the necessary court *pleadings* (legal documents) at www.dcbbar.org/pleadings, or at the D.C. Superior Court Family Court Self-Help Center (500 Indiana Avenue NW, room JM-570), open Monday through Friday, 8:30 a.m. to 5 p.m. (202-879-1471). The Self-Help Center staff can explain the process and help you fill out the pleadings.

■ **When can I file my Request to Proceed Without Pre-Payment of Costs?**

You can make your Request at the very beginning of your case, when you file your first pleading. But even if you pay the fees the first time, you can always file a Request later if you find that you cannot pay additional fees or costs.

■ **How does the court decide whether to approve my request?**

You need to show the court that you cannot afford to pay the court fees because you do not have a job or do not make much money, and have expenses and debts that you have to pay to support yourself and your family.

If you get public benefits, such as Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI), you should definitely fill out a Request to Proceed Without Pre-Payment of Costs, because the court will presume that you are eligible for a fee waiver. Even if you do not get public benefits, you can still get a fee waiver request approved if you have limited income. If the court approves your Request, the court will refer to you as being *In Forma Pauperis* (IFP).

■ **How do I make a fee waiver request?**

You need to have the pleading you want to file with the court (for example, your complaint or motion) already prepared, because you must show it to the judge along with your Request to Proceed Without Pre-Payment of Costs. Take your request and pleadings to

the Judge-in-Chambers (D.C. Superior Court, room 4220). Usually, the judge will make a decision on the same day, but you may have to wait a couple of hours if the judge is busy.

■ **Am I required to submit a financial statement form?**

No. There is an official D.C. Family Court form called a Financial Statement that asks very detailed information about a person's income, expenses, and debt. Although certain financial information must be given in a fee waiver request, D.C. law and D.C. Superior Court rules do *not* require that you submit a Financial Statement when you turn in your Request to Proceed Without Pre-Payment of Costs. In certain cases, if the Judge-in-Chambers has questions about your income and expenses, you may be asked to fill out a financial statement. If this happens, complete it as accurately as you can. The other party in your case may argue you are not truthful by pointing to any information that is inaccurate or missing. You can go to the Family Court Self-Help Center for assistance.

■ **What do I do after I fill out the request?**

If the judge approves your request, you should file the order granting the fee waiver along with your complaint or motion at the Family Court Central Intake Center.

Whenever you file any papers in court, you should always keep your own copy of the papers. You should also have your copy *date-stamped* by the court clerk, which shows when you filed the paper with the court. You should do the same with the order approving your request. This way, if your court file ever gets misplaced, you will have proof that you have a fee waiver.

Most court file jackets are considered *public records*. This means anyone can review court papers and other information in the court file jacket in your case. Since you give personal financial information in a Request to Proceed Without Pre-Payment of Costs, you can protect that information by filing only the fee waiver order signed by the judge. You are not required to file your request and

financial information with the court. Instead you should keep those papers with your other court papers in a safe place.

■ **Do I need to request a fee waiver every time I file something in court?**

No. Once the court approves your fee waiver request, you do not need to turn in another one in the *same* case each time you file other court papers. If you are involved in a different case, with a different case number, you may need to file a new request for the other case. Even though the court should have a copy in the file, it is a good idea always to take a copy of the order when you go to court, just in case you need it for filing papers or for other costs.

■ **Will a fee waiver pay my attorney's fees?**

No. The waiver can apply to other court costs, such as photocopies and subpoenaed witness fees, but not to attorney's fees. If you cannot afford an attorney, you can go to www.lawhelp.org/dc or listen to recorded messages about free legal services by calling the D.C. Bar Legal Information HelpLine at 202-626-3499.

The D.C. Bar Pro Bono Program provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact an attorney. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Program does not guarantee the accuracy of this information.