



Court Fees and Getting Court Fees Paid

You may have to pay fees (money) in your court case. The different types of fees are explained below. If you cannot afford the court fees, you may be able to get them *waived* (which means set aside or forgiven) by the court.

What is a filing fee?

A *filing fee* is the amount of money you must pay to the court to begin your court case. The amount of money you have to pay depends on the court and the type of case. You may have to pay other filing fees at certain times during your case. The court clerk can give you a list of all the filing fees for your court case so you know the total cost.

Do all court cases require filing fees?

Filing fees are usually *not* required in domestic violence cases. And, most courts do *not* require filing fees for family law cases such as child custody and child support. If you did not start the case, you do not have to pay filing fees.

Are there any other fees that I should expect to pay in my court case?

Each court is different, but other fees you may have to pay, even if you didn't start the case, are:

- **Service fee** – the amount of money you pay to the sheriff or process server to serve or deliver the papers to the other side in your case.
- **Witness fee** – if you *subpoena* or call a witness to testify at trial, you will have to pay the witness a fee.

About this Guide

This guide was created by the Legal Aid Society of Northeastern New York in partnership with the New York LawHelp Consortium and Pro Bono Net, with support from the Legal Services Corporation Technology Initiative Grant program.

To read all of the guides in this series, visit NYLawHelp.org or LawHelp.org.

- **Mediation fee** – in some states, if you file a family law case that involves children, you may be charged a fee to have a mediator help you and the other parent of your child come to an agreement about your children.
- **Appeal fee** – the amount of money you pay to *appeal* or to ask a higher court to review your case to determine if the previous judge made any mistakes.

I cannot afford the court fees. What can I do?

Ask your lawyer about getting any court fees waived (set aside or forgiven). If you do not have a lawyer, you can still call the local legal aid office to see if they can help you get any court fees waived or you can ask the judge to waive some or all of the court fees by filling out a form called a *fee waiver request*. Each court has different rules, but you may be able to get some or all of the court fees waived if:

- you are receiving public benefits such as welfare, Food Stamps, or SSI benefits; or
- you do not have enough income to support your family *and* pay the court fees.

What information should be included in my fee waiver request?

You must include the following information in your fee waiver request:

- Your assets – what you own and how much money you have in the bank;
- Your income – how much you earn, including copies of your paystubs;
- Your expenses – what you pay for rent, utilities, food and more; and
- Your debts – how much you pay each month for debts you may have.

If you receive public benefits such as welfare, Food Stamps, Social Security or SSI, you should provide proof that you receive these benefits.

My court does not have a *fee waiver request form*, is there another form that I should ask for?

Some courts call the fee waiver request form by a different name. Some courts call the form:

- Poor Person's Application;
- Application to Proceed In Forma Pauperis; or
- Indigency Affidavit.

For More Information

Looking for more information on this topic? Visit LawHelp.org and select your state to find other self-help resources and information about free and low-cost legal aid providers in your area.

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