

Help Yourself



Fee Waivers in D.C.

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

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

You can ask the court to waive them by filing an Application to Proceed Without Pre-Payment of Costs. This is also known as proceeding in forma pauperis or IFP. You can get the necessary court pleadings (legal documents) at www.dcbbar.org/pleadings, or at the D.C. Superior Court Family Court Central Intake Center (500 Indiana Avenue NW, room JM-540), open Monday through Friday, 8:30 a.m. to 5:00 p.m.

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, at the time 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), the court must grant a fee waiver. Even if you do not get public benefits, you may still get a fee waiver request approved if you have limited income.

How do I make a fee waiver request?

You need to have the pleading you want to file already prepared (for example, your complaint or motion),

because you must show it to the judge along with your Request to Proceed Without Pre-Payment of Costs. You must get the fee waiver approved before you file your pleading because the court will not refund the filing fee if you get the waiver after you file your pleading. Take your request and pleading to the office of 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 document my financial situation?

Usually, no. In most situations, the information you provide in your request is sufficient without additional documentation. Occasionally, the judge may ask for more information or for documentation.

For help filling out the form or for more information:

You can visit the Family Court Self-Help Center, a free walk-in clinic located in the DC Superior Court, 500 Indiana Avenue, NW, in Room JM-570. The Center is open Monday through Friday, from 8:00 a.m. to 5:30 p.m. The Center can explain the process to you, help you complete the proper legal papers, and direct you to other free legal resources.

What do I do after my request is approved?

If the judge approves your request, take the order granting the fee waiver and file it together with your complaint or motion at the Family Court Central Intake Center. Ask the intake center to give you a date-stamped copy of the fee waiver order, together with a copy of your pleading.

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 each time you file court papers in the same case. Just tell the Central Intake Center that you were granted a fee waiver, and they will check the court records. If you are involved in a different case, with a different case number, you will need to file a new request for the other case.

What other costs are waived?

If the court grants your fee waiver request, you can also subpoena witnesses without prepayment of witness fees. Also, if you have to file a motion to publish or post notice in your case, the court will authorize posting of notice (which is free) instead of publication in the newspaper (which costs money).

Will a fee waiver pay my attorney's fees?

No. However, there are free legal service providers that may be able to provide an attorney to represent you in your case. For more information, visit www.lawhelp.org/dc or call the D.C. Bar Legal Information Helpline at 202-626-3499 to listen to recorded messages about this issue.

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This document 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 a lawyer. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Center does not guarantee the accuracy of this information.