What is "In Forma Pauperis?"

In Forma Pauperis is a process a court uses to allow someone to file a case without paying the required court fees because the person filing cannot afford to pay them.

How do I ask the Court to give me permission to file my case In Forma Pauperis?

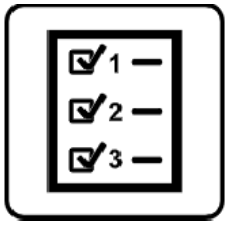
To begin this process, you must first prepare the document you wish to file and then complete two forms:

(1) a petition - a formal written request to the Court
(2) an affidavit - a written statement that someone swears to under oath

Instructions for Completing the In Forma Pauperis Petition

The numbers below match the blanks on the "In Forma Pauperis Petition" form. Please see the matching number for information about how to complete each section of the form. The language and format of the form are set out in the rule and should not be changed.

(1) Fill in the type of court in which you are filing your case - District Court or Circuit Court. Contract disputes, damage or recovery of property under $25,000, and small claims (under $5,000) can be brought in District Court. Most other cases should be brought in Circuit Court. For example, you would file for divorce, property disputes, and issues related to wills and estates in Circuit Court.
(2) Fill in the county in which you are filing your case.
(3) Fill in your full name. Because you are the person making the formal request to the court, you are the plaintiff.
(4) This blank is for the case number. You will have to leave this blank until the court clerk gives you a case number.
(5) Fill in your full name.
(6) Fill in the kind of case you want to open with the Court. For example: "Divorce" "Contract Enforcement" or "Inheritance." Keep in mind that the Court cannot waive fees for cases involving slander (damaging one's reputation through false statements), libel (damaging one's reputation through written or published false materials), or malicious prosecution (bringing a case without facts against another to harm them).
(7) Fill in the same thing you placed in (6) here.
(8) Your signature goes here. You do not have to sign this form in front of a notary public, but your affidavit will have to be signed in front of a notary public.
(9) Fill in your mailing address.
(10) Fill in your phone number.



IN THE **(1)**_____COURT OF **(2)**_____COUNTY, ARKANSAS

IN RE PETITION OF **(3)**_____
TO PROCEED IN FORMA PAUPERIS

CASE NO. **(4)**_____

PETITION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

COMES NOW the Plaintiff, **(5)**_____, *pro se*, who hereby petitions the court for Leave to Proceed *In Forma Pauperis* and does allege and state as follows:

1. That Plaintiff, a resident of the State of Arkansas, has prepared and desires to file with this Court a **(6)**_____.

2. That Plaintiff has completed an Affidavit in Support of Request to *Proceed In Forma Pauperis* setting out his/her income and assets. Plaintiff's Affidavit accompanies this petition.

3. That Plaintiff's income barely suffices to meet the costs of life's daily essentials and includes no allotment that could be budgeted to pay for court fees and costs incident to this proceeding.

4. That Plaintiff has no other income in addition to that described in his/her Affidavit and no means of paying such costs without being reduced to total impoverishment.

5. That Plaintiff believes that he/she is entitled to the relief requested in the accompanying **(7)**_____and that such action is not brought for a frivolous or malicious purpose.

WHEREFORE, Plaintiff prays that the court enter an order allowing the Plaintiff to prosecute this action *In Forma Pauperis* and that the Plaintiff may have the necessary writs and processes without payment of fees or costs for the same.

Respectfully submitted,

SIGNATURE: **(8)** _____

ADDRESS: **(9)** _____

_____

PHONE: **(10)** _____

Instructions for Completing in Forma Pauperis Affidavit

The letters below match the blanks on the “In Forma Pauperis Affidavit” form. Please see the matching letter for information about how to complete each section of the form. The language and format of the form are set out in the rule and should not be changed.

(A) Fill in the type of court in which you are filing your case - District Court or Circuit Court. Contract disputes, damage or recovery of property under $25,000, and small claims (under $5,000) can be brought in District Court. Most other cases should be brought in Circuit Court. For example, you would file for divorce, property disputes, and issues related to wills and estates in Circuit Court.
(B) Fill in the county in which you are filing the case.
(C) Fill in your full name.
(D) This blank is for the case number. You will have to leave this blank until the courtclerk gives you a case number.
(E) Fill in your full name.

For questions 1 - 5, read carefully and provide answers to each question. Keep in mind that this is a sworn statement to the court and any false or misleading information may be punishable by law.

Once you have completed the form, you will need to sign it in front of a notary public. Most Circuit Clerk’s offices have a notary public on staff or in a nearby county office who can notarize your form free of charge. Do not sign this form until you are in front of a notary public. The notary public will fill in the section below your signature.

Do not fill in #6 unless you are in jail or prison. If you are in jail or prison, this will need to be completed by an official at your facility.

IN THE **(A)**_____COURT **(B)**_____, COUNTY, ARKANSAS

IN RE PETITION OF **(C)**_____
TO PROCEED IN FORMA PAUPERIS

NO. **(D)**_____

AFFIDAVIT IN SUPPORT OF
REQUEST TO PROCEED IN FORMA PAUPERIS

I, **(E)**_____, being first duly sworn, depose and say that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes____No ____

(a) If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

(b) If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

(a) Business, profession or any form of self-employment?

Yes____No ____

(b) Rent payments, interest or dividends?

Yes____No ____

(c) Pensions, annuities or life insurance payments?

Yes____No ____

(d) Gifts or inheritances?

Yes____No ____

(e) Any other sources?

Yes____No ____

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in a checking or savings account?

Yes____No ____

If the answer is yes, state the total amount in each account.

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes____No ____

If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

[6. TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION.

Do you have any funds in the inmate welfare funds?

Yes____No ____

If the answer is yes, state the total amount in such account and have the certificate found below completed by the authorized officer of the institution.]

I understand that false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

_____
Signature of Petitioner

STATE OF _____

COUNTY OF _____

Petitioner,_____, being first duly sworn under oath, presents that he/she has read and subscribed to the above and states that the information therein is true and correct.

SUBSCRIBED AND SWORN to before me this_____day of_____,

2____.

_____
Notary Public

My commission expires: _____

[(To be completed by authorized officer of penal institution)

CERTIFICATE

I hereby certify that the petitioner herein,_____, has the sum of $ _____on account to his/her credit at the_____institution where he/she is confined.

I further certify that petitioner likewise has the following securities to his/her credit according to the records of said institution:

_____

_____.

_____

Authorized Officer of Institution]

Next Steps

Once you have completed these forms, you will take them and the document you wish to file to the court clerk's office for your county. Keep in mind that you are providing the document you wish to file and your affidavit as exhibits to your in forma pauperis petition. The clerk's office will file your in forma pauperis petition at no cost to you, but will not open a case at this point.

If the judge finds that you cannot afford court costs and that you have a valid case, the judge will sign an order allowing you to move forward with your case without court fees. Once the order is filed, you may move forward with your case. You will need to take another copy of the document you wish to file to the clerk's office to be filed to open your case.