

# HOW TO FILE AN IN FORMA PAUPERIS PETITION



## **Disclaimer**

Neither the staff in the Center nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not to be a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call the Lawyer Referral service at 393-0737.

## ***IN FORMA PAUPERIS***

- *In forma pauperis* is for any party who believes he/she is without financial resource to pay the cost of a notice of appeal, summary appeal fee(s) or other court-related petition/order.
- In order to qualify *in forma pauperis (IFP)* a petition must be prepared and submitted to the court with a proposed Order attached.
- Court granted *IFP* status applies **only** to the related petition filing fees and does not include any costs related to producing witnesses or other evidence regarding the petition or any other proceeding.

A copy of the necessary *IFP* petition is included in this packet. Attach to that petition Order "Form-Div." for no-fault divorce cases. For all other kinds of court actions, use the shorter one paragraph Order form.


**No staff members of the Law Library, Prothonotary's Office, Clerk of Court's Office or the Court Self Help Center are legally permitted to provide you with any advice or assistance with the preparation or filing of this or any other petition.**



Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated [Currentness](#)

Purdon's Pennsylvania Consolidated Statutes Annotated

Pennsylvania Rules of Civil Procedure ([Refs & Annos](#))

 Business of Courts ([Refs & Annos](#))

**→Rule 240. In Forma Pauperis**

(a) This rule shall apply to all civil actions and proceedings except actions pursuant to the Protection From Abuse Act.

*Note:* The term "all civil actions and proceedings" includes all domestic relations actions except those brought pursuant to the Protection From Abuse Act, which are governed by [23 Pa.C.S. § 6106](#).

(b) A party who is without financial resources to pay the costs of litigation is entitled to proceed in forma pauperis.

(c) Except as provided by subdivision (d), the party shall file a petition and an affidavit in the form prescribed by subdivision (h). The petition may not be filed prior to the commencement of an action or the taking of an appeal.

(1)(i) If the petition is filed simultaneously with the commencement of the action or with the taking of the appeal, the prothonotary shall docket the action and petition or shall accept the appeal and petition without the payment of any filing fee.

(ii) If the court shall thereafter deny the petition, the petitioner shall pay the filing fee for commencing the action or taking the appeal. A party required to pay such fee may not without leave of court take any further steps in the action or appeal so long as such fee remains unpaid. Not sooner than ten days after notice of the denial of the petition pursuant to Rule 236, the prothonotary shall enter a judgment of non pros in the action or strike the appeal if the fee remains unpaid. The action or appeal shall be reinstated only by the court for good cause shown.

(2) If the action is commenced or the appeal is taken without the simultaneous filing of a petition, the appropriate filing fee must be paid and shall not be refunded if a petition is thereafter filed and granted.

(3) The court shall act promptly upon the petition and shall enter its order within twenty days from the date of the filing of the petition. If the petition is denied, in whole or in part, the court shall briefly state its reasons.

(d)(1) If the party is represented by an attorney, the prothonotary shall allow the party to proceed in forma pauperis upon the filing of a praecipe which contains a certification by the attorney that he or she is providing free legal service to the party and believes the party is unable to pay the costs.

(2) The praecipe shall be substantially in the form prescribed by subdivision (i).

(e) A party permitted to proceed in forma pauperis has a continuing obligation to inform the court of improvement in the party's financial circumstances which will enable the party to pay costs.

(f) A party permitted to proceed in forma pauperis shall not be required to

(1) pay any cost or fee imposed or authorized by Act of Assembly or general rule which is payable to any court or prothonotary or any public officer or employee, or

(2) post bond or other security for costs as a condition for commencing an action or taking an appeal.

(g) If there is a monetary recovery by judgment or settlement in favor of the party permitted to proceed in forma pauperis, the exonerated fees and costs shall be taxed as costs and paid to the prothonotary by the party paying the monetary recovery. In no event shall the exonerated fees and costs be paid to the indigent party.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA

vs.

No. CI-

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, upon consideration of the attached Petition and Affidavit of Financial Status, it is hereby Ordered that the Petitioner, \_\_\_\_\_, is permitted to proceed with the filing of his/her action or appeal In Forma Pauperis, and shall not be required to pay the costs or fees payable in connection with such matter, but conditioned upon his/her payment of such costs from the proceeds of an financial recovery in this case.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA

V.

CI-

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the attached Petition and Affidavit of financial Status, it is hereby Ordered that the Petitioner, \_\_\_\_\_, is permitted to proceed with the filing of a no-fault divorce action In Forma Pauperis, and shall not be required to pay the costs or fees payable in connection with such matter, but conditioned upon his/her payment of such costs from the proceeds of a financial recovery in this case, in accordance with Pa.R.C.P. 240(g).

This means that petitioner may file a no-fault divorce action without prepayment of filing fees for such an action, but that In Forma Pauperis status does not extend to Divorce Masters' fees or to Court Reporters' fees or fees for filing related claims other than spousal support and alimony pendente lite (temporary alimony pending litigation). Furthermore, if the parties reach their own agreement about the division of marital assets, or if related claims for equitable distribution or post-divorce alimony or alimony pendente lite is/are filed, the Prothonotary shall not enter a divorce decree until one of the following occurs:

Form-Div.

1) A Divorce Master's recommendation as to responsibility for court costs;

**OR**

2) Both parties appear in the Family Business Court of the judge assigned to their case (and if applicable, present a copy of any property settlement agreement), and that judge makes a determination regarding responsibility for costs.

BY THE COURT:

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J.

ATTEST:

cc: Prothonotary  
Plaintiff  
Defendant



IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA

vs.

:  
:  
:  
:  
:  
:

No.

AFFIDAVIT OF FINANCIAL STATUS

1. I am the Plaintiff/ Defendant in the above matter and because my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct.

a. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Social Security No: \_\_\_\_\_

b. Employment:

If you are presently employed, state

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Salary or wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

If you are presently unemployed, state

Date of last employment: \_\_\_\_\_

Salary or wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

c. Other income within last twelve months:

Business or profession: \_\_\_\_\_

Other self-employment: \_\_\_\_\_

Interest \_\_\_\_\_

Dividends: \_\_\_\_\_

Pension and annuities: \_\_\_\_\_

Social Security benefits: \_\_\_\_\_

Support payments: \_\_\_\_\_

Disability payments: \_\_\_\_\_

Unemployment Compensation  
and supplemental benefits: \_\_\_\_\_

Workman's compensation \_\_\_\_\_

Public Assistance: \_\_\_\_\_

Other: \_\_\_\_\_

d. Other contributions to household support:

Wife/ Husband Name: \_\_\_\_\_

If your wife/husband is employed , state:

Employer: \_\_\_\_\_

Salary or wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

Contributions from children: \_\_\_\_\_

Contributions from parents: \_\_\_\_\_

Other contributions: \_\_\_\_\_

e. Property owned:

Cash: \_\_\_\_\_

Checking account: \_\_\_\_\_

Savings account: \_\_\_\_\_

Certificates of deposit: \_\_\_\_\_

Real estate ( including home) : \_\_\_\_\_

Motor Vehicle Make \_\_\_\_\_ Year: \_\_\_\_\_

Cost: \_\_\_\_\_ Amount owed: \_\_\_\_\_

f. Debts and Obligations:

Mortgage: \_\_\_\_\_

Rent: \_\_\_\_\_

Loans: \_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

g. Persons dependent upon you for support:

Wife/husband name: \_\_\_\_\_

Children, if any:

Name: \_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other persons:

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that statement made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa C. S. 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner