

Instructions for Seeking Waiver of Fees (Asking the Court to Not Charge You Fees)

These forms are not generally required but they may be useful in certain cases.

If you cannot afford to pay the Court's fees for filing your documents or you cannot afford to pay the Sheriff's fees for serving your documents, you may choose to ask the Court to waive the fees. If the Court grants your request, you will not need to pay the fees. You can use the forms for **Waiver of Fees** to help you with this process.

These forms are available on the Wyoming Judicial Branch website at www.wyocourts.gov/self-help-forms/.

Before you fill out the forms, read the instructions carefully.

Waiver of Fees

There are two words you need to know before you begin this process.

- Waiver. Getting a “waiver of fees” or “having fees waived” means being excused from paying fees. You can think of it as not being charged fees that are usually required.
- Indigency. This is an old word that's still used in some legal processes, including the Waiver of Fees. For these cases, being found “indigent” just means the Court has concluded you can't afford to pay your fees.

When you file paperwork to start a case in court, you will be charged a filing fee. These fees help to fund important services in the Judicial Branch. People who can afford to pay the fees are expected to, and most people do not get the fees waived.

If you cannot afford to pay the filing fees (and other court costs), you can ask the Court to waive the fees by filing an **Affidavit of Indigency and Request for Waiver of Fees and Cost**. There is no fee to file this Affidavit.

The form is long, and it will take some time to fill it out. You need to be complete, accurate, and honest. On the form, you will tell the Court all the details about your financial situation so a Judge

can make a fair conclusion about whether or not you can afford to pay fees. You will be under oath when you sign the Affidavit. If the information you include is not true, you could be required to pay a fine and you might be sent to jail. Don't make claims that are not true.

After you file the Affidavit, a Judge will review it and decide whether to grant or deny your request for a waiver. There is no guarantee that you will get the waiver, and the Judge doesn't have to explain the decision they make. If the Judge denies the request (does not give you a waiver), you will need to pay the filing fees and other court costs that are required.

The following forms are required for seeking a waiver of fees:

- Affidavit of Indigency and Request for Waiver of Fees and Cost.
- Order on Request for Waiver of Fees and Cost.

Important Note: Some of the charts on the Affidavit might be the same as charts you have filled out on other forms. Looking at those forms may make it faster and easier to fill out this Affidavit, and that can be helpful. However, you must make sure the information you write on the Affidavit is correct and true now; don't copy old information from a different form. Also, this Affidavit must be filled out completely. Do not tell the Judge to look at other forms to get the information.

How to Fill Out the Affidavit

Top of the Page

Fill in the information exactly the way it is on your Complaint or Petition.

Section Under the Title

Write your name on the line.

Read this section carefully. It's important to understand that, when you sign and file the Affidavit, you will be giving the Court permission to check whether the information you shared is true.

Section for Personal Information

In this section, you'll give the Court current general information about yourself.

Section About Address & Housing

In this section, you'll tell the Court about where you live now and where you lived most recently before that.

Section About Employment

In this section, you'll tell the Court about your current job. Select the correct box at the beginning of this section, and then fill in the chart for your situation.

Be sure to select every box that is true for you and fill in the required information.

Section About Public Assistance

In this section, check the box next to each type of public assistance you currently receive.

Section About Other Income

Fill in this chart completely with information about your other sources of income.

Section About Expenses

Fill in this chart completely with information about your monthly expenses.

Section About Dependents

This section is about people you claim as dependents on your tax returns. Do not list anyone here who is not a dependent according to your tax returns.

Section About Bank Accounts

Fill in this chart completely with information about your bank accounts.

Section About Assets

This section is for information about your assets (money and valuable things that you own). Fill in the charts and blank lines in this section as completely as you can.

Section About Debts

This section is for information about debts that you owe and other money that you have to pay regularly. Fill in the charts in this section as completely as you can.

Section About Capacity to Barrow

This section is for information about your ability to get other money to help pay for your court case. Fill in the blank lines in this section as completely as you can.

Section About Special Circumstances

This section is for information about any circumstances that would limit your ability to support you and and your family if you are required to pay the fees associated with your case. Be as detailed as possible.

Section About Perjury

Read the information in this section very carefully. It is important to understand that if you lie on this Affidavit, or if you are intentionally inaccurate, you may face serious consequences.

Signature Section – Important!

Do not sign this form until you are in front of a Notary. The Notary must witness you signing the form.

By signing the form, you are stating that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Affidavit.

Next Steps

Prepare the Order. The Order on Request for Waiver of Fees and Cost is available on the Wyoming Judicial Branch website's forms page. Fill in the top of the Order (above the title) and leave the rest blank.

File the Affidavit and Submit the Order. Take the completed Affidavit and the Order to the Clerk of District Court. You will file the Affidavit and submit the Order for the Judge to use later.

Serve the Affidavit. You must serve a copy of the Affidavit to the other party (the Defendant/Respondent). You do not have to hire anyone to serve this document. The easiest way to serve it will probably be by sending it in the mail. You can also fax it.

The document can be hand-delivered directly to the other party, but it is important to consider whether this appropriate in your situation. If there is an Order of Protection in your case, or you and the other party do not get along, delivering the document by hand may be prohibited or unwise.

Complete the Certificate of Service and file it with the Clerk.

Receive and Read the Order. After considering your Affidavit, a Judge will decide whether to grant or deny your request for a waiver. The Clerk will send you the completed Order. Read it carefully and make sure you understand whether your fees have been waived or not.

If your request is granted, the Order will explain which fees are waived. This may include filing fees and/or sheriff's service fees. However, not all costs are covered—for example, fees for publication or other types of case-related expenses are typically not waived.

If your request was denied, you will be required to pay the usual filing fees and other associated court fees for your case.