

## An ACLU-PA Legal Guide to Proceeding *In Forma Pauperis*

In Pennsylvania courts, lower-income parties who cannot afford the costs and fees associated with a lawsuit<sup>1</sup> or appeal<sup>2</sup> may petition to proceed without payment by requesting *in forma pauperis* (“IFP”) status to waive those costs.<sup>3</sup> This can arise in ordinary civil cases, family law proceedings, and even criminal cases.<sup>4</sup> Ensuring that individuals may proceed IFP is a critical access-to-justice issue, as court costs can quickly balloon into hundreds or thousands of dollars – a prohibitive expense for lower-income individuals.

We intend this Guide to help attorneys and judges better understand the law governing petitions to proceed IFP, and provide a roadmap for attorneys assisting their clients with IFP filings and appeals. Although this guide focuses on IFP in civil proceedings in Courts of Common Pleas, the legal standards discussed below also apply in criminal proceedings to assess a defendant’s ability to pay fines and fees, as well as Magisterial District Court proceedings.<sup>5</sup>

### 1. Sources of IFP Law

The right to proceed IFP in civil cases is codified at Pennsylvania Rule of Civil Procedure 240.<sup>6</sup> The Rule describes the procedure for filing a petition,<sup>7</sup> explains the waiver of court costs for parties proceeding IFP,<sup>8</sup> and provides guidelines for the content of a petition.<sup>9</sup> However, Rule 240 does not apply to cases arising under the Protection from Abuse Act, 23 Pa.C.S. § 6106, and Protection of Victims of Sexual Violence or Intimidation Act, 42 Pa.C.S. §§ 62A01-62A20.<sup>10</sup>

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<sup>1</sup> See Pa. R. Civ. P. 240.

<sup>2</sup> See Pa. R.A.P. 551; Pa. R.A.P. 552.

<sup>3</sup> Note, however, that the IFP process is not relevant to waiving costs assessed as a result of conviction. For information on how to have those costs removed, see the resources on our debtors’ prison page at [www.aclupa.org/finesandcosts](http://www.aclupa.org/finesandcosts).

<sup>4</sup> Pursuant to Pa. R. Civ. P. 240(a), a party may **not** proceed IFP in actions arising under the Protection from Abuse Act, 23 Pa.C.S. § 6106, and Protection of Victims of Sexual Violence or Intimidation Act, 42 Pa.C.S. §§ 62A01-62A20.

<sup>5</sup> See *Commonwealth v. Lepre*, 18 A.3d 1225, 1226 (Pa. Super. Ct. 2011) (trial court abused discretion by failing to hold ability-to-pay hearing after prima facie showing of poverty); *Commonwealth v. Regan*, 359 A.2d 403, 406 (Pa. Super. Ct. 1976) (en banc) (criminal defendant “must be permitted to appeal in forma pauperis if he is in fact indigent”). A sample IFP form for criminal defendants is [available here](#), and a sample IFP form for magisterial district court is [available here](#).

<sup>6</sup> See Pa. R. Civ. P. 240.

<sup>7</sup> Pa. R. Civ. P. 240(c) and (d).

<sup>8</sup> Pa. R. Civ. P. 240(f) states that anyone proceeding IFP “shall not be required” to pay any “cost or fee” to the court, nor “post bond or other security for costs” as a condition for “commencing an action or proceeding or taking an appeal.

<sup>9</sup> Pa. R. Civ. P. 240(h) and (i).

<sup>10</sup> Pa. R. Civ. P. 240(a).

Appeals are governed by Rules of Appellate Procedure 551 and 552, which provide similar guidelines for parties seeking to proceed IFP when pursuing an appeal to the Commonwealth Court, Superior Court, or Supreme Court.<sup>11</sup>

An additional source of the right to proceed IFP in all types of cases is the common law, which remains a part of Pennsylvania law.<sup>12</sup> Even before Rule 240 was enacted, the common law ensured that an indigent individual “still has the right to prosecute his suit free from costs,” because “no person should have right and justice denied or delayed by reason of poverty.”<sup>13</sup> This common law right applies to all parties in Pennsylvania courts, unless a statute specifically preempts the applicability of the IFP right to a type of action.<sup>14</sup> Accordingly, although Rule 240 does not apply to criminal cases—and Rules 551 and 552 do not apply to summary appeals to the court of common pleas—this common law right does.<sup>15</sup>

Finally, the right to proceed IFP in all types of cases is also grounded in the Open Courts provision of Article 1, Section 11 of the Pennsylvania Constitution. For over a century, Pennsylvania’s courts have viewed this constitutional provision as ensuring equal access to the courts even in the face of financial barriers that would otherwise lock out low-income Pennsylvanians.<sup>16</sup>

## 2. IFP Procedure

### a. *Submitting a petition to proceed IFP in a trial court*

If a party wishing to proceed IFP **does not have a lawyer**, the party must file a petition to proceed IFP, which includes an affidavit of their income, expenses, and other financial responsibilities.<sup>17</sup> Rule 240 explicitly states the information required to be included in the

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<sup>11</sup> Pa. R.A.P. 551 allows a party who already has IFP status to continue that status for purposes of an appeal. Pa. R.A.P. 552 allows a trial court to grant IFP status to a party pursuing an appeal, if the party lacked IFP status for their case at the trial court level. These rules do not govern summary appeals from magisterial district court to common pleas court.

<sup>12</sup> The common law right dates to the Statute of 11 Henry VII, c. 12, which is “a part of the common law of Pennsylvania and applies to relief in forma pauperis on appeal as well as in initial suit[.]” *Mitek v. Stel-Mel Signs, Inc.*, 294 A.2d 814, 814 (Pa. Super. Ct. 1972) (en banc). See also *Thompson v. Garden Court*, 419 A.2d 1238, 1240 (Pa. Super. Ct. 1980) (holding that the plaintiff was entitled to file a trespass and assumpsit complaint IFP pursuant to the Statute of 11 Henry VII).

<sup>13</sup> *Thompson*, 419 A.2d at 1240.

<sup>14</sup> See *Mitek*, 294 A.2d at 814 (permitting exercise of common law right to proceed IFP after determining that statute in question did not prohibit an appeal IFP); *Metropolitan Property and Liability Ins. Co. v. Insurance Com’r of Com. of Pa.*, 580 A.2d 300, 302 (Pa. Super. Ct. 1990) (holding that the legislature “must affirmatively repeal existing law or specifically preempt accepted common law for prior law to be disregarded”).

<sup>15</sup> *Commonwealth v. Lepre*, 18 A.3d 1225, 1226 (Pa. Super. Ct. 2011) (right to proceed IFP in summary appeals); *Commonwealth v. Regan*, 359 A.2d 403, 406 (Pa. Super. Ct. 1976) (en banc) (criminal defendant “must be permitted to appeal in forma pauperis if he is in fact indigent”).

<sup>16</sup> See *Cunha v. Cunha*, 44 Pa. D. & C.2d 230, 231 (Pa. Ct. Com. Pl. 1968) (noting that Pennsylvania’s trial courts have granted leave to proceed IFP, even in actions that appear to be beyond the constitutional provision, such as divorce cases). See also *Schade v. Luppert*, 17 Pa. C. C. 460, 462 (Pa. Ct. Com. Pl. 1896); *Lutz v. Heasley*, 12 Pa. D. 139, 139 (Pa. Ct. Com. Pl. 1902); *Willis v. Willis*, 20 Pa. D. 720, 720 (Pa. Ct. Com. Pl. 1911).

<sup>17</sup> Pa. R. Civ. P. 240(c); Pa. R.A.P. 552(b).

affidavit, such as: present or past salary and wages, other types of income within the preceding year, other contributions for household support, property owned, available assets, debts and obligations, and persons dependent for support.<sup>18</sup> Many courts of common pleas have sample forms provided on their websites.<sup>19</sup> The form should be filled out completely, and some courts have denied IFP petitions because the affidavit is partially blank.<sup>20</sup>

If a party wishing to proceed IFP **has a lawyer** in a case governed by Rule 240, their attorney may instead file a simple praecipe certifying that the attorney is “providing free legal service to the party and believes the party is unable to pay the costs.”<sup>21</sup> Granting of IFP status based on a counsel’s praecipe is “administrative,” and courts should approve the request unless there is reason to disbelieve the attorney’s averments.<sup>22</sup>

In order to avoid paying a filing fee, the petition must be filed *simultaneously* with the action, or with the answer to an action.<sup>23</sup> If a party files the IFP petition later and the petition is granted, the filing fee for their complaint or their answer will **not** be refunded.<sup>24</sup>

In cases before a trial court in which Rule 240 does not apply, such as criminal cases, the procedure for obtaining IFP is unclear. In practice, the best approach is to file a motion asking to proceed IFP, including both the attorney verification described above (if the defendant is represented) and a verification of the relevant financial information. Courts most often receive such IFP paperwork for summary appeals or to waive the costs of filing motions, so checking with the clerk of courts on the procedure is a good start; if the clerks are unaware of such a procedure, then create and file a motion.

#### b. *Submitting a petition to proceed IFP in appellate courts*

If a party was granted IFP status in the trial court, the party may proceed IFP in an appellate court by filing a verified statement with the trial court clerk containing the following:<sup>25</sup>

- The date when the lower court granted IFP status.
- A statement that the party’s financial condition has had no substantial change since that date.
- A statement that the party is unable to pay the fees and costs on appeal.

Under Rule of Appellate Procedure 552, a party who was not previously granted IFP status must first petition the trial court to pursue their appeal IFP.<sup>26</sup> If the party **does not have a lawyer**, the party must file a verified statement of their income, expenses, and other financial

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<sup>18</sup> Pa. R. Civ. P. 240(h).

<sup>19</sup> A sample petition and affidavit from the statewide court system is available at <https://www.pacourts.us/Storage/media/pdfs/20210517/211011-form2ifp-003865.pdf>. A list of all county-specific IFP forms is available in the “IFP Self Help Guide” compiled by ACLU-PA.

<sup>20</sup> See *Banks v. Ryan*, 556 A.2d 950, 952 (Pa. Commw. Ct. 1989).

<sup>21</sup> Pa. R. Civ. P. 240(d)(1).

<sup>22</sup> *Thompson v. Thompson*, 187 A.2d 259, 265 (Pa. Super. Ct. 2018).

<sup>23</sup> Pa. R. Civ. P. 240(c)(1)(i).

<sup>24</sup> Pa. R. Civ. P. 240(c)(2).

<sup>25</sup> Pa. R.A.P. 551. The filing with the trial court clerk must contain two copies of the verified statement.

<sup>26</sup> Pa. R.A.P. 552.

responsibilities.<sup>27</sup> The trial court must act on the petition within 20 days, and if it denies the petition in whole or in part, it must briefly state its reasons.<sup>28</sup> If the party **has a lawyer**, their attorney may instead submit a document certifying that the attorney is providing free legal service to the party, and that the party is indigent.<sup>29</sup> If an attorney submits such a document, the clerk in the filing office (prothonotary or clerk of courts) automatically approves the IFP petition for the appeal.<sup>30</sup>

If the trial court denies the petition to pursue an appeal IFP, a party may then seek IFP status directly from the appellate court.<sup>31</sup> A party may also file an IFP petition directly with the appellate court when an action originates in the appellate court, or if the party is appealing a ruling from a government unit other than a court (e.g., the Office of Open Records).<sup>32</sup> IFP petitions filed directly with the appellate court in either situation will follow the procedure outlined in Rule 552, as described in the previous paragraph.<sup>33</sup>

*c. Timeline for ruling on a petition*

The trial court has 20 days to rule on an IFP petition submitted under Rule 240.<sup>34</sup>

*d. Hearing requirement before denying a petition*

The court must satisfy itself of the truth of the averment of inability to pay. If it believes the petitioner's averments and grants the request to proceed IFP, there is no requirement that the court conduct an evidentiary hearing.<sup>35</sup> However, if the court does not believe the petition's averments, or otherwise rejects the information in the petition, the court generally must hold an evidentiary hearing before denying the IFP petition.<sup>36</sup> A hearing is still required when some allegations in the application are accepted, but others are rejected.<sup>37</sup> Even where a court has strong reason to believe that an applicant is not entitled to IFP status, it must still hold a hearing

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<sup>27</sup> *Id.*; Pa. R.A.P. 561. A sample verified statement is described in Rule of Appellate Procedure 561. While structured slightly differently than a trial court IFP affidavit filed under Rule of Civil Procedure 240, the information requested is nearly the same.

<sup>28</sup> Pa. R.A.P. 552(e)

<sup>29</sup> Pa. R.A.P. 552(d)

<sup>30</sup> *Id.*

<sup>31</sup> Pa. R.A.P. 553.

<sup>32</sup> *Id.*

<sup>33</sup> Pa. R.A.P. 553(b).

<sup>34</sup> Pa. R. Civ. P. 240(c)(3). However, if the IFP petition is filed jointly with a writ of summons, which allows the formal complaint to be filed later, the court will not rule on the IFP petition until the complaint is filed. *Id.* at 240(j)(2).

<sup>35</sup> *Amrhein v. Amrhein*, 903 A.2d 17, 19 (Pa. Super. Ct. 2006).

<sup>36</sup> *Id.* at 19-20; *Crosby Square Apartments v. Henson*, 666 A.2d 737, 739 (Pa. Super. Ct. 1995); *In re Adoption of B.G.S.*, 614 A.2d 1161, 1171 (Pa. Super. Ct. 1992)

<sup>37</sup> *Crosby Square Apartments*, 666 A.2d at 739.

before denying the petition.<sup>38</sup> However, if a court has *direct* knowledge of income that is not reported in a petition, the court may deny the petition without a hearing.<sup>39</sup>

*e. Impact of IFP petition denial*

If a court denies an IFP petition filed simultaneously with an action, the party must pay the filing fee within 10 days, or the prothonotary will enter a judgment of *non pros* (functionally dismissing the action).<sup>40</sup>

*f. Dismissal of frivolous IFP actions*

When an IFP petition is filed simultaneously with a civil action, the court has special authority to dismiss the action prior to ruling on the petition if action is “frivolous.”<sup>41</sup> A court may similarly dismiss any appeal filed simultaneously with an IFP petition if it finds that the appeal is “frivolous.”<sup>42</sup>

A frivolous action “lacks an arguable basis in law or in fact.”<sup>43</sup> For example, courts have dismissed IFP actions as frivolous where the plaintiff:

- Did not set forth a valid cause of action.<sup>44</sup>
- Failed to provide notice of material facts to the defendants.<sup>45</sup>
- Could not establish an essential element of their cause of action.<sup>46</sup>
- Failed to plead sufficient facts to overcome an immunity held by a defendant.<sup>47</sup>

As with other pro se complaints, however, a pro se complaint may **not** be dismissed under Rule 240 simply because it is not “artfully drafted.”<sup>48</sup>

Additionally, a court does **not** have the power to dismiss an action as frivolous under Rule 240 if it has already granted or denied the IFP petition.<sup>49</sup>

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<sup>38</sup> *Batterman v. Santo*, No. 145 EDA 2022, 2022 WL 2965799, at \*4 (Pa. Super. Ct. July 27, 2022).

<sup>39</sup> For example, where a divorce court mandated that an IFP petitioner receive an advance payment of \$15,000 in divorce proceedings less than a year prior, the court was permitted to deny the petition without a hearing. *See Boris v. Vurimindi*, No. 1215 EDA 2020, 2022 WL 214287, at \*3–5 (Pa. Super. Ct. Jan. 25, 2022).

<sup>40</sup> Pa. R. Civ. P. 240(c)(1)(ii).

<sup>41</sup> Pa. R. Civ. P. 240(j)(1).

<sup>42</sup> *Id.* This power was added to Rule 240 in 1991, out of a concern that there was a surplus of frivolous IFP actions monopolizing court resources. Pa. R. Civ. P. 240, cmt. (1991)

<sup>43</sup> *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

<sup>44</sup> *See, e.g., Ocasio v. Prison Health Servs.*, 979 A.2d 352 (Pa. Super. Ct. 2009); *Bailey v. Wakefield*, 933 A.2d 1081 (Pa. Commw. Ct. 2007); *Bronson v. Lechward*, 624 A.2d 799, 801 (Pa. Commw. Ct. 1993).

<sup>45</sup> *See, e.g., Bennett v. Beard*, 919 A.2d 365 (Pa. Commw. Ct. 2007); *Thomas v. Holtz*, 707 A.2d 569 (Pa. Commw. Ct. 1998).

<sup>46</sup> *See, e.g., Bell v. Mayview State Hosp.*, 853 A.2d 1058 (Pa. Super. Ct. 2004); *McGriff v. Vidovich*, 699 A.2d 797 (Pa. Commw. Ct. 1997), *appeal denied*, 717 A.2d 1030 (Pa. 1998).

<sup>47</sup> *See, e.g., Bronson*, 624 A.2d at 801-02.

<sup>48</sup> *Bell*, 853 A.2d at 1060.

<sup>49</sup> Pa. R. Civ. P. 240(j); *see also Grosso v. Love*, 667 A.2d 43, 44 (Pa. Commw. Ct. 1995).

*g. Updated financial circumstances*

A party proceeding IFP must update the court if their financial circumstances improve, and they become able to pay some or all costs.<sup>50</sup>

*h. Effect of money judgments*

If there is a monetary recovery by judgment or settlement in favor of the party proceeding IFP, the waived fees and costs shall be paid to the court by the party paying the recovery.<sup>51</sup> “In no event” can the waived fees and costs be paid to the party proceeding IFP.<sup>52</sup>

**3. Evaluating an IFP Petition**

A trial court has discretion in determining whether a person is indigent such that they may proceed *in forma pauperis*. Nonetheless, case law has developed general guidelines for how to make this determination.

- a. *Assessing an IFP petition is not an accounting exercise; courts must instead assess whether an individual is in poverty.*<sup>53</sup>

The critical question that courts must ask in assessing indigence in IFP petitions is whether an individual “is in poverty,” not whether they are simply able or unable to pay costs.<sup>54</sup> Assessing an inability to pay costs must therefore go beyond an accounting exercise of income versus expenses. Instead, courts must conduct a broad review of an individual’s financial and life circumstances, and determine whether an individual can still obtain or pay for the “necessities of life” if they must pay costs.<sup>55</sup>

Accordingly, a court may not force an individual to pay costs if the individual can only afford to do so “by sacrificing some of the items and services which are necessary for his day-to-day

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<sup>50</sup> Pa. R. Civ. P. 240(e).

<sup>51</sup> Pa. R. Civ. P. 240(g).

<sup>52</sup> *Id.*

<sup>53</sup> Pennsylvania courts use “poverty” and “indigent” interchangeably, and there is no legal distinction between the two terms. *See, e.g., Commonwealth v. Hernandez*, 917 A.2d 332 (Pa. Super. Ct. 2007); *Crosby Square Apartments*, 666 A.2d 737; *Regan*, 359 A.2d 403. Accordingly, cases that set forth standards for determining whether an individual is in poverty are equally applicable to the inquiry under Rule 706 of whether a **criminal** defendant is indigent.

<sup>54</sup> *Gerlitzki v. Feldser*, 307 A.2d 307, 308 (Pa. Super. Ct. 1973) (en banc). *See also Koziatsek v. Marquett*, 484 A.2d 806, 808 (Pa. Super. Ct. 1984) (plaintiff established “prima facie case of impoverishment” when the “sole source of support was a monthly disability payment”); *Schoepple*, 361 A.2d at 667 (“[O]ne in poverty will not be able to pay costs.”).

<sup>55</sup> *Stein Enterprises, Inc. v. Golla*, 426 A.2d 1129, 1132 (Pa. 1981). *See also Gerlitzki*, 307 A.2d at 308 (noting that inability to pay costs must be “read not with an accountant’s but with a housewife’s eye”); *Crosby Square Apartments*, 666 A.2d at 738 (criticizing trial court for ignoring “the ordinary expenses attendant on everyday life”); *Amrhein*, 903 A.2d at 22-23 (explaining that a focus on gross income alone “ignores the unassailable expenses of life” including rent, utilities, health insurance, and the costs of feeding and clothing two children).

existence.”<sup>56</sup> For example, a party would not be expected to sell their car to pay costs, if the car is a necessity for daily living.<sup>57</sup> This is the case even if the individual has some excess income or otherwise unencumbered assets.<sup>58</sup>

*b. Courts may not penalize an individual for their financial decisions.*

Whether an individual is in poverty is a legal question of financial status, not a moral question of whether the judge approves of how an individual uses their income.<sup>59</sup> The issue is only whether “the petitioner has shown ‘[their] inability to pay all or part of the costs of the action,’” and is therefore a straightforward financial assessment.<sup>60</sup>

*c. Courts have identified several indicators that a person is impoverished, for purposes of an IFP petition.*

There is no clear standard for granting an IFP petition – the matter is highly discretionary for the court. However, courts have suggested an array of indicators that are persuasive in demonstrating that a person is impoverished. These include:

- Receiving public assistance from programs such as the Supplemental Nutrition Assistance Program (“SNAP”) and Temporary Assistance for Needy Families (“TANF”).<sup>61</sup>
- Receiving SSI/SSDI, or other monthly disability payments.<sup>62</sup>
- Eligibility for federally-subsidized housing.<sup>63</sup>
- Receiving the services of a public defender.<sup>64</sup>
- Childcare obligations on a limited income.<sup>65</sup>
- Incarceration and detention.<sup>66</sup>

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<sup>56</sup> *Stein Enterprises*, 426 A.2d at 1132.

<sup>57</sup> *Id.* at 1133.

<sup>58</sup> *Id.*

<sup>59</sup> *See Schoepple v. Schoepple*, 361 A.2d 665, 667 (Pa. Super Ct. 1976) (en banc).

<sup>60</sup> *Smith v. Smith*, 369 A.2d 729, 730-31 (Pa. Super. Ct. 1977) (en banc) (reversing a denial of IFP status solely “on a finding that the [petitioner] had unnecessarily left her prior employment,” without determining actual ability to pay the costs of litigation). *See also Schoepple*, 361 A.2d at 667 (“This issue is financial, not moral. It may be that appellant was extravagant in purchasing the television set; if so, however, that fact would not by itself preclude a finding of inability to pay costs”).

<sup>61</sup> *See Commonwealth v. Eggers*, 742 A.2d 174, 176 n.1 (Pa. Super. Ct. 1999) (receiving public assistance and the services of a public defender “invite the presumption of indigence”); *Schoepple*, 361 A.2d at 668 (petitioners establish prima facie case of poverty where they “allege that they have no income except public assistance benefits”); *Howell v. Howell*, 369 A.2d 731, 732 (Pa. Super. Ct. 1977)

<sup>62</sup> *See Koziatek v. Marquett*, 484 A.2d 806, 808 (Pa. Super. Ct. 1984) (plaintiff established “prima facie case of impoverishment” when the “sole source of support was a monthly disability payment”);

<sup>63</sup> *See Crosby Square Apartments*, 666 A.2d at 739.

<sup>64</sup> *Id.*

<sup>65</sup> *See id.* at 738-39.

<sup>66</sup> *See Shore v. Pa. Dep’t of Corr.*, 179 A.3d 441, 446-47 (Pa. 2018) (Wecht, J., concurring); *Commonwealth v. Bey*, No. 1405 WDA 2018, 2020 WL 406380, at \*22 (Pa. Super. Ct. Jan. 24, 2020).

#### **4. Appeals of IFP Determinations**

Denial of an IFP petition is a “final, appealable order,” and a litigant may immediately appeal the trial court’s ruling.<sup>67</sup> Dismissal of an action as “frivolous” under Rule 240(j) is also an appealable order, as it has “the practical effect” of dismissing the petitioner’s complaint.<sup>68</sup>

Appellate courts generally review *in forma pauperis* rulings for an abuse of discretion or an error of law.<sup>69</sup> As such, appeals courts defer to trial court determinations regarding the veracity of averments in an IFP petition.<sup>70</sup> Appellate courts may also look to whether a party’s constitutional rights were violated by the ruling of the trial court.<sup>71</sup>

Despite the deference given to the trial courts, appellate courts do reverse IFP denials in cases where the trial court:

- Failed to provide a hearing.<sup>72</sup>
- Provided a hearing, but failed to inquire into the totality of a petitioner’s financial responsibilities.<sup>73</sup>
- Failed to account for the petitioner’s need to pay for necessities.<sup>74</sup>
- Improperly made moral judgments about a petitioner’s use of income,<sup>75</sup> such as spending money on a new television.<sup>76</sup>
- Based the denial on the petitioner’s potential ability to pay costs in the future, rather than based on the petitioner’s ability to pay costs at the time of the ruling.<sup>77</sup>
- Improperly dismissed an IFP action as frivolous, or for failure to state a claim.<sup>78</sup>

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<sup>67</sup> *Grant v. Blaine*, 868 A.2d 400, 403 (Pa. 2005); *Crosby Square Apartments*, 666 A.2d at 737 n.1. An IFP denial is immediately appealable even if it occurs after the filing of a complaint. See, e.g., *Commonwealth v. Bey*, No. 1405 WDA 2018, 2020 WL 406380, at \*22 (Pa. Super. Ct. Jan. 24, 2020) (noting that IFP denial is final, appealable order even if the party “is in no sense ‘put out of court’ by the order denying IFP status”); *Amrhein v. Amrhein*, 903 A.2d 17, 19 (Pa. Super. Ct. 2006); *Harry v. Lehigh Valley Hosp.*, 825 A.2d 1281 (Pa. Super. Ct. 2003); *Koziatek v. Marquett*, 484 A.2d 806, 807 (Pa. Super. Ct. 1984).

<sup>68</sup> *Keller v. Kinsley*, 609 A.2d 567, 568 (Pa. Super. Ct. 1992).

<sup>69</sup> *Amrhein*, 903 A.2d at 19 (Pa. Super. Ct. 2006) (citing *Crosby Square Apartments*, 666 A.2d at 738).

<sup>70</sup> *B.G.S.*, 614 A.2d at 1171.

<sup>71</sup> *Lichtman v. Glazer*, 111 A.3d 1225, 1227 n.4 (Pa. Commw. Ct. 2015); *Ocasio*, 979 A.2d at 354.

<sup>72</sup> *Amrhein*, 903 A.2d 17; *Crosby Square Apartments*, 666 A.2d 737; *Commonwealth v. Lepre*, 18 A.3d 1225 (Pa. Super. Ct. 2011); *Gerlitzki*, 307 A.2d at 309.

<sup>73</sup> *Chromack v. Williams*, No. 733 WDA 2015, 2016 WL 379290, at \*2 (Pa. Super. Ct. Jan. 29, 2016).

<sup>74</sup> *Stein Enterprises*, 426 A.2d 1129.

<sup>75</sup> *Howell*, 369 A.2d 731.

<sup>76</sup> *Schoepple*, 361 A.2d 665.

<sup>77</sup> *Sellers*, 438 A.2d 986.

<sup>78</sup> *Williams v. Syed*, 782 A.2d 1090, 1096 (Pa. Commw. Ct. 2001)