

ARE YOU UNABLE TO PAY FILING FEES OR OTHER COURT COSTS?

Going to court involves many different fees and costs. From fees to file or defend your case, to fees for an appeal, these costs can add up to hundreds or even thousands of dollars.

**If you cannot afford to pay those fees or costs,
you can ask the court to waive them so that you do not have to pay.**

The most common fees most people encounter are fees to file their case, or fees to file an answer to a lawsuit brought against them. These filing fees have to be paid at the time you file your lawsuit, or when you file your answer to a lawsuit. If you cannot afford these fees, then you **must** ask to have them waived at the **same time** you file the lawsuit or answer.

To ask for the fees or costs in your case to be waived, you will need to file an “**In Forma Pauperis**” (IFP) Petition with the court. IFP is an overly complicated way of saying that you can bring your case or defend against a lawsuit brought against you *without* payment of court costs. This document will guide you through the process of filing an IFP Petition in Pennsylvania courts.

Note: This guide is for civil cases in Courts of Common Pleas.

If you are in a Magisterial District Court, use [this form](#) to ask to proceed IFP.

If you are in Philadelphia Municipal Court, use [this form](#) to ask to proceed IFP.

If you are a criminal defendant, you may use the same process described below to waive filing fees for things like summary appeals and other appeals using [this form](#).

However, if you have been convicted and ordered to pay court costs at sentencing, then you cannot use the IFP process to waive those costs. Instead, review our [webpage on fines and costs](#) for details.

STEP 1 – Find the correct IFP Petition

To have your fees waived, you must file a **Petition to Proceed in Forma Pauperis**. A sample petition from the state court system, which you can use in any Court of Common Pleas, is available [here](#).

Some Courts of Common Pleas also have **county-specific petitions** available on their websites. If you are filing your case in one of the counties listed below, we recommend using the county-specific petition because that is the petition with which the clerk may be most familiar.

[Allegheny](#)

[Clinton](#)

[Luzerne](#)

[Beaver](#)

[Crawford](#)

[Monroe](#)

[Bedford](#)

[Dauphin](#)

[Montgomery](#)

[Berks](#)
[Blair](#)
[Bucks](#)
[Butler](#)
[Cambria](#)
[Cameron](#)
[Carbon](#)
[Chester](#)
[Clarion](#)
[Clearfield](#)

[Delaware](#)
[Erie](#)
[Fayette](#)
[Forest](#)
[Indiana](#)
[Lackawanna](#)
[Lawrence](#)
[Lebanon](#)
[Lehigh](#)

[Philadelphia](#)
[Susquehanna](#)
[Tioga](#)
[Warren](#)
[Washington](#)
[Wayne](#)
[Westmoreland](#)
[Wyoming](#)
[York](#)

STEP 2 – Fill out the Petition (including the pages that ask for your income and expenses)

No matter which county you are in, the **Petition** (sometimes called a Petition & Affidavit) will ask you to fill out several pages of information providing information about your income and expenses, including:

- Your present or past salary and wages
- Other types of income within the preceding year
- Any property or assets you own
- Your debts and obligations
- Anyone who depends on you for financial support

Fill out the Petition **completely and accurately** – if you do not have any property, for example, write “None” or “\$0.00.” An incomplete Petition may result in the judge **denying** your request.

STEP 3 – Submit the Petition (including your income and expenses) to the Court

If you wish to have your filing fee waived, you **must** submit your IFP petition at the **same time** that you file your lawsuit, or the same time that you file documents to defend your lawsuit. If you submit your IFP petition later, and are granted IFP status, you will not be refunded the filing fee.

Once completed, you will need to submit the Petition to the Court. Before submitting, make sure you know the case name and number of the lawsuit you are involved with – you will need it to file your paperwork.

If you are involved in a civil case, you will file your Petition with the same office or via the same website where you file your lawsuit. The name of the filing office varies from county to county, but is usually called the Office of Judicial Records, Office of Court Records, the Prothonotary's Office, or the Clerk's Office.

If you are involved in a criminal case and you are filing an appeal or other document for which you must pay, file your IFP Petition with the Clerk of Courts for your county or court.

If you are unsure how to file an IFP Petition, call the Court’s filing office for your county to ask how to submit the petition. A list of filing offices and contact information is [available here](#).

STEP 4 – Wait for the judge’s response

Once you submit your petition, the judge should do one of the following:

1. Approve your petition, and waive all (or some) fees or costs.
2. Hold a hearing about your petition, after which the court will approve or deny your petition. The court cannot deny your petition without first holding a hearing unless your paperwork and financial information are incomplete.

The judge is required to respond to your petition to proceed IFP within **20 days** of receiving your request. If you do not hear back from the court within 20 days, call the clerk’s office to ask about the status of your petition.

STEP 5 – Attend a hearing, if asked to do so by the court

If the court has questions about your financial situation, the judge may hold an “evidentiary hearing.” If this happens, the court will notify you – typically by mail – of the date, time, and location of the hearing.

If notified of a hearing, you must attend, or the judge may deny your petition automatically.

Bring any **evidence** of your income and financial responsibilities to the hearing – such as pay stubs, rent payment receipts, or other financial records.

If you receive Social Security, SSI/SSDI, unemployment compensation, veteran's payments/benefits, food stamps, or other government benefits, bring the paperwork showing how much you receive for each benefit.

Consider bringing a witness—a friend or family member—who can tell the court about your financial circumstances.

Having any records or witnesses will be helpful for the judge in ruling on your IFP petition.

STEP 6 – Your petition is granted or denied

If the judge **grants** your IFP petition, you will not owe any of the fees you typically owe the court. The judge may partially grant your petition, requiring you to pay only *some* fees.

If the judge **denies** your IFP petition, you must pay the fees in your case within **10 days** or your case will be **dismissed** (if you are the plaintiff) or a **default judgment** will be granted against you (if you are the defendant). If you cannot afford costs, but the judge still denied your petition, you should consult an attorney and consider filing an appeal. For more on how to appeal your case, see *Can I appeal the judge's ruling?* in the next section.

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Frequently Asked Questions

I'M NOT SURE IF I QUALIFY FOR IFP STATUS. SHOULD I STILL SUBMIT A PETITION?

YES! Even if you think your income is too high to qualify, courts are required to look at more than just income. In reviewing your petition, a court will look at all of your financial responsibilities – including payments for necessities like food, housing, utilities, health care, or a car, as well as how many people depend on you for financial support (such as children, or a spouse). If you believe you cannot afford to pay some or all court costs, submit a petition.

I WAS GRANTED IFP STATUS. WHAT DO I DO IF MY FINANCIAL SITUATION IMPROVES?

If you are granted IFP status, and your financial situation improves later, you are legally required to update the court regarding your improved financial circumstances. The court may change its IFP determination and require you to pay some or all costs associated with your case.

THE JUDGE DENIED MY PETITION WITHOUT A HEARING. WHAT CAN I DO?

If the judge denies your request without a hearing—and if the paperwork you submitted was complete with all of your financial information—you should immediately contact the court, and respectfully explain that the judge is **not** allowed to deny an IFP petition without first conducting a hearing. Ask the clerk what you can do to have the judge reconsider the decision, or schedule a hearing to review your income and expenses with the judge.

If that does not work and the court still does not hold a hearing, you may be able to appeal to a higher court. For more on how to appeal your case, see *Can I appeal the judge's ruling?*, below.

AFTER A HEARING, THE JUDGE DENIED MY PETITION. WHAT CAN I DO?

If the judge denies your petition after a hearing, they are legally required to explain the reasons for their ruling. If you cannot afford costs, but the judge denied your petition, you should consult an attorney and consider filing an appeal. For more on how to appeal your case, see *Can I appeal the judge's ruling?* and *What if I need legal help?*, below.

THE JUDGE DISMISSED MY CASE AS “FRIVOLOUS.” WHAT CAN I DO?

When you ask the court to waive court costs, the judge is allowed to dismiss your entire case as “frivolous,” if it finds that you did not present a valid legal claim or a valid defense in your court filing.

If you think the judge's ruling is wrong, you may be able to reverse the judge's ruling by appealing to a higher court. However, it is very difficult to appeal dismissal of a case as “frivolous” without the help of a lawyer. For more on how to appeal your case, see *Can I appeal the judge's ruling?* and *What if I need legal help?*, below.

CAN I APPEAL THE JUDGE'S RULING?

YES! You can file an appeal to the Superior Court (or the Commonwealth Court, if your case involves a state government agency). Your appeal must be filed with **30 days** of the judge's ruling. In order to avoid paying the fee for an appeal, you may need to ask the trial judge to grant you IFP status for an appeal. Even if the judge denied your IFP petition before, they may allow you to proceed IFP on appeal.

Speak with the clerk's office about how to file an appeal and which paperwork you need to file to do so. The **30-day** deadline is critical and if you are even one day late, your appeal will be dismissed.

It is very important that you obtain a lawyer to represent you in your appeal. Appeals courts rarely overturn a trial judge's ruling on an IFP petition, and it is unlikely that the Superior or Commonwealth Court will rule in your favor without legal help. Even if you have presented detailed evidence of your finances during the IFP hearing, the appeals court may still uphold the trial judge's ruling. As such, your success may depend on having a lawyer to present legal arguments in your favor. For more on finding a lawyer, see *What if I need legal help?*, below.

WHAT IF I NEED LEGAL HELP?

If you think you need legal assistance, you may be able to obtain help by contacting your [local legal aid organization](#), asking for pro bono legal assistance from your [local bar association](#), or submitting a [request for help to the ACLU](#). The ACLU is unable to provide help in every case, but we may be able to refer you to a local attorney.