

Call us for help



Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help



www.ctlawhelp.org

Connecticut Legal Services

www.connlegalservices.org

Bridgeport

211 State Street 203-336-3851

New Britain

16 Main Street 860-225-8678

New London

153 Williams Street 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

872 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue 860-541-5000
Hartford, CT 06105

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street 203-946-4811
New Haven, CT 06510

AIDS Legal Network for Connecticut

Free legal information, advice, referrals and more for people throughout CT living with HIV/AIDS.

999 Asylum Avenue
Hartford, CT 06105
860-541-5027 or 1-888-380-3646

Consumer Law Project for Elders

Free legal assistance to seniors 60 and over throughout CT who have consumer problems.

1-800-296-1467

Legal Assistance Resource Center of CT (LARCC)

www.larcc.org

Community education and public policy advocacy organization addressing issues of importance to low-income Connecticut residents.

44 Capitol Avenue, Suite 301
Hartford, CT 06106
860-278-5688

This booklet was produced by the Legal Assistance Resource Center of Connecticut in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this booklet is based on laws in Connecticut as of 1/2011. We hope that the information is helpful. It is not intended as legal advice for an individual situation. Please call Statewide Legal Services or contact an attorney for additional help.

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LEGAL SERVICES

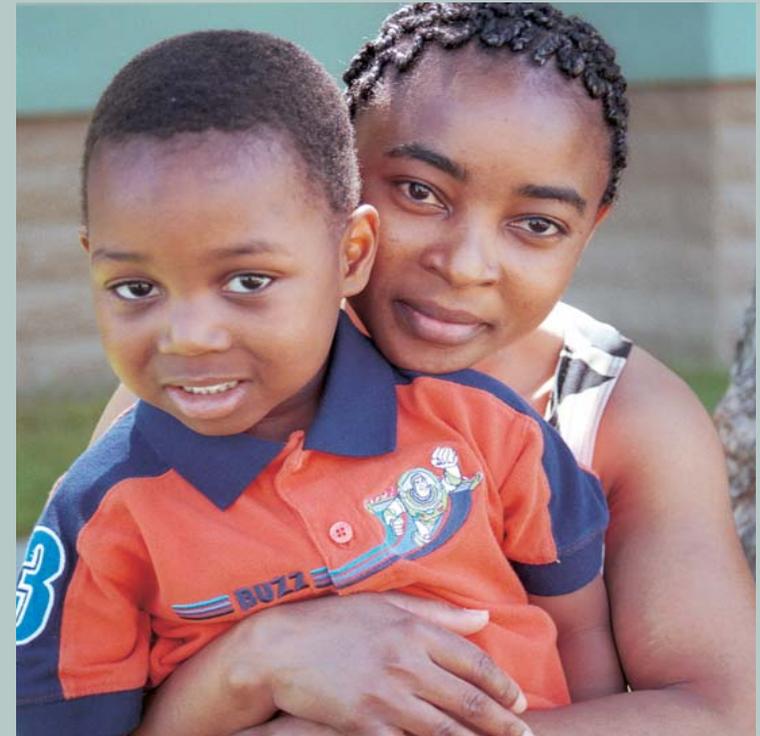
SELF HELP SERIES

Court Costs and Fees

What to do if you cannot afford to pay court costs and fees.

Family, civil, housing, & small claims cases

January 2011



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Court Costs and Fees

What to do if you cannot afford to pay.

Family, Civil, Housing, & Small Claims cases

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We offer free legal help in many areas including:

- welfare
- SNAP (food stamps)
- divorce
- child support
- domestic violence
- bankruptcy
- special education
- nursing home care
- health insurance
- eviction
- foreclosure
- ...and more

See reverse side for more about Legal Services.

Introduction

If you don't have the money to pay court costs, you can fill out a form asking for a "fee waiver." A fee waiver means that you will not have to pay the court costs or fees.

A judge will look at your form and make a decision.

- **If the judge approves your fee waiver**, you may not have to pay certain fees.
- **If the judge does not approve (denies) your fee waiver**, you can ask for a court hearing. Each court does things differently--ask the clerk in your courthouse for help.

This booklet explains

- who can get a fee waiver
- what fees can be waived, and
- how to fill out the form.

Who can get a fee waiver?

You should be able to get a fee waiver if:



- ✓ You get help from the government (*public benefits*), such as welfare, or
- ✓ The money you bring home after taxes is very low.

And sometimes,

- ✓ A judge may give you a fee waiver because you cannot afford to pay.

Public Benefits include:

- **Food stamps** (now called SNAP)
- **State welfare** (TFA & SAGA)
- **SSI** (Supplemental Security Income)
- **State Supplement** (AABD/Aid to the Aged, Blind and Disabled)
...and more

► **If you cannot get a fee waiver, you can ask for a court hearing.** Ask the court clerk what you need to do. You can also call Statewide Legal Services (1-800-453-3320).

What fees can be waived?

Fees can be waived in family, housing, small claims and civil cases. Here are a few examples.

- Fees to file court papers (such as a Complaint or Motions to Open or Change)
- Fees to have a State Marshal serve (officially deliver) court papers to the other side
- Fees to attend the Parenting Education Program
- Fees for certified copies of court documents
- Other fees (such as transcripts, recording fees). Ask a court clerk if these can be waived.

How do I ask for a fee waiver?

Follow these 5 steps.

► **STEP 1: Get the form for your type of case.**

<i>Family Case</i>	<i>Civil, Housing, Small Claims</i>
Application for Waiver of Fees/ Appointment of Counsel Family <i>Form # JD-FM-75</i>	Application for Waiver of Fees Civil, Housing, Small Claims <i>Form # JD-CV-120</i>

You can get the form at the court or online.

- At the court clerk's office or the Court Services Center.
- Online (www.jud.ct.gov) from the State of Connecticut Judicial website. *You can print out a blank form or fill it out online and then print it.*

APPLICATION FOR WAIVER OF FEES CIVIL, HOUSING, SMALL CLAIMS

JD-CV-120, New 11-10
C.G.S. §§ 52-259, 52-259b, 52-259c
P.B. § 8-2

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

Instructions to person asking to have the fees waived (applicant)
1. Print or type all information requested.
2. Sign the Financial Affidavit section in front of a court clerk, a notary public or an attorney.
3. Bring this form to the superior court where your case will be filed or is pending.
4. If your application for fees payable to the court for costs of service of process is denied, you may ask for a hearing on the application.

Instructions to Clerk
This form is completed form to a judge.

CIVIL, HOUSING, SMALL CLAIMS
Ask the clerk if you need help.
Write the name of your case and docket number (if you have one).
Check the correct box and write the court's address.
Write YOUR name, address and phone number.
Type of proceeding - Check the box for your type of case.
Check the boxes for all the fees you want waived.
See inside this booklet for help filling out the financial part.

To: The Superior Court

1 Name of case

2 Judicial District Housing Session Small Claims Address of applicant (Last, first, middle initial) Address of court (Number, street, town, state and zip)

3 Geographical Area Number

4 Type of proceeding
 Civil case (Regular docket) Small claims case Summary Process/Landlord
 Motion to Open, Set Aside, Modify or Extend Civil Judgment Other (Specify):

5 **Fee Waiver**
I ask that the court order that I do not have to pay fees or order the State to pay the fees.
 Entry fee (Regular docket) Entry fee (Small Claims) Filing fee Service of Process (delivery of papers) Other (Specify):

6 **Financial Affidavit**

▶ **STEP 2: Fill out the form.**

See the instructions that start on page 6 and use the sample at the end of this booklet as a guide.

▶ **STEP 3: Bring your papers to the court clerk.**

- Give the court clerk your form and any court papers that you listed on the form.
- Ask the court clerk to notarize the form. *Notarize* means the clerk will ask you to swear that what you wrote is true and ask you to sign it. (A lawyer or notary public can also notarize the form.)



▶ **STEP 4: Ask the court clerk how your court works.**

Each court does things differently. Talk to the court clerk to find out how it works in the court you are using. You may want to ask:

- Do I need to do anything else?
- What happens next?
- How long does it take for the judge to decide?
- How will I find out what the judge decided?
- Do I need special papers to show my income or how I support myself?

▶ **STEP 5: Make three copies of the form.**

- Give the original to the court clerk.
- Give one copy to the other "party" (the other person in the case) and his lawyer.
- Keep a copy for yourself. You may need to show it to a state marshal or court clerk later on.



Use the sample form at the back of this booklet as a guide.

How to Fill out the Form

- Carefully read the instructions.
- Print neatly or type.
- If you need help, ask the court clerk.
- Look at the *sample form for your type of case* as a guide.

See samples
at back of
booklet

Note: We put numbers ①, ②, ③... on our sample form to guide you as you fill out the form. These numbers are not on the court form.

Starting in the first blank box near the top of the form...

- ① Write the name of your case. You can find it on your court papers.
For example... Smith vs. Jones
(your name) (other party's name)
Write the docket number if you have one.
(The court uses the docket number to identify your case.)
- ② Write the type of court and the court's address.
- ③ **You** are the **applicant**. Write your name, address, and telephone number. (If you do not want to give your home address for safety reasons, you can write an address where you can get mail.)
- ④, ⑤, ⑥... Look at the sample for help filling these out.

Financial Affidavit part of the form...

- ▶ You need to write average **monthly** amounts.
- ▶ If you do not own something the form asks about, write "0" or "none" in that space.
- ▶ **FAMILY Cases** - If you say you have zero (0) or none for *Total Monthly Income* or *Expenses*, you need to write how you are supported. (Use the blank lines at the bottom of page 1.)
For example: "I live with my mother and she pays the bills."

Sample 1

SAMPLE 1 for Family Cases

APPLICATION FOR WAIVER OF FEES/APPOINTMENT OF COUNSEL FAMILY
JD-FM-75 Rev. 12-10
C.G.S. §§ 46b-231, 52-259b
P.B. §§ 8-2, 25-63
This form must be used only for family and family support magistrate matters. For civil, housing and small claims matters, use form JD-CV-120.

To: The Superior Court

Name of case

Judicial District

Name of applicant (Last, first, middle initial)

Type of proceeding

Fee Waiver

I ask that the court order that I do not have to pay fees or costs or order the State to pay

Entry fee (fee to file case)
 Filing fee (fee to file motion, etc.)
 Other (For example costs of notice by publication or for a certified copy of judgment, etc.) (Specify)

Appointment of Counsel (This applies only in a contempt proceeding or to the putative parent of a child.)
 I ask that the court appoint an attorney to represent me.

Financial Affidavit

STATE OF CONNECTICUT SUPERIOR COURT
www.jud.ct.gov

FAMILY CASES

Ask the clerk if you need help.

Write the name of your case and docket number (if you have one).

Write the Judicial District and the court's address.

Write YOUR name, address and phone number.

Type of proceeding - Check the box for your type of case.

Check the boxes for all the fees you want waived.

Appointment of Counsel - only in contempt or paternity cases.

See inside this booklet for help filling out the financial part.

Instructions to person asking to have the fees waived or for appointment of an attorney (applicant)

1. Print or type all information requested.
2. Sign the Financial Affidavit section in front of a court clerk, a notary public or an attorney.
3. Bring this form to the superior court where your case will be filed or is pending.
4. If your application for fees payable to the court or for costs of service of process is denied, you may ask for a hearing on the application.

Financial Affidavit...continued

5. Liabilities/ Debts	This part is about bills you owe. Include bills such as credit cards, medical, utility payment plans, furniture payment plans, and loans. Do not include loans that you listed above in "4. Assets."
<i>Type of Debt</i>	– For example, MasterCard, CL& P....
<i>Amount Owed</i>	– How much you still owe.
<i>Monthly Payment</i>	– How much you pay each month. If you are not making any payments because you have not been able to do so, write "0."
Total Liabilities	Add up the Amount Owed column and the Monthly Payment column and write the totals in the boxes.



Stop here. Do not write anything on the second page of the form.

Look over the front page...make sure that what you wrote is correct. Get help if you have any questions.

Second (or back) page of the form

DO NOT SIGN IT YET. You must sign the form in front of a court clerk, notary public or lawyer. When you sign this form, you are swearing that the information is true.

Now you can go to Steps 3 and 4. See page 5.
(Make copies and give the form to the court clerk.)

Financial Affidavit (continued)...

How to figure out the average monthly amount

If you have a

Weekly amount...multiply the weekly amount by 4.3.

Example: if you spend \$40 a week on gas, multiply \$40 by 4.3. Your monthly average would be \$172.

40.00
x 4.3
172.00

Yearly amount...divide the yearly amount by 12.

Example: if you spend \$600 a year on car insurance, divide \$600 by 12. Your monthly average would be \$50.

Note: The numbers below (1. Dependents, 2. Monthly Income....) are the same as the numbers on the court form.	
1. Dependents	Dependents are people in your home who depend on you to pay for their food, clothing, shelter, etc. This usually means children under 18, a disabled spouse, or elderly parents. Write the number of dependents in the box. Do not include yourself.
2. Monthly Income	If your income is different every month, you can get your average monthly income by adding up how much you make in a year and dividing it by 12. Look at your pay stub.
A. Gross monthly income (before deductions)	Write your average monthly income before taxes and other deductions are taken out.
B. Net monthly income (after taxes)	This is how much money you bring home. Write your average monthly income after taxes and other deductions are taken out.
C. Other income	Includes state welfare, child support, social security, unemployment, and other public benefits. Write the source and the average monthly amount.
Total Monthly Income (B+C).	Add B and C and write the amount in the box. Do not add the "A" box.

Financial Affidavitcontinued	
3. Monthly Expenses	Write the average monthly amount. (Add up yearly amount and divide by 12.)
A. Rent or Mortgage	Write the amount you pay each month. If you pay a mortgage, write the full amount of your payment even if it includes property taxes and homeowner insurance.
B. Real Estate Taxes	If you own your home and taxes are not included in your mortgage, write your monthly taxes here.
C. Utilities	Write the average monthly amount.
D. Food	Write what you spend out of pocket. <i>Do not include your food stamp/SNAP benefits.</i>
E. Clothing	Write the average monthly amount.
F. Insurance Premiums (Medical, Dental, Auto, Life, Home)	Write the average monthly amount. Include home insurance here if it is not paid with your mortgage (see "A. Rent" above).
G. Medical / Dental	Include medical and dental bills, copayments, prescriptions, medical tests and procedures, etc.. <i>Medical and dental insurance</i> go in "F. Insurance" above.
H. Transportation (bus, gas, etc.)	Include what you spend to keep your car running, such as gas, repairs, oil changes, etc. <i>If you don't have a car</i> , you can include bus, train, taxi or car pool costs. <i>Car insurance</i> goes in "F. Insurance" above.
I. Child Care	Include after-school care, nursery school, childcare centers, or babysitters so that you can work.
J. Other (Specify)	Other expenses include children's activities, school items (uniforms, books, lunches), diapers, laundry, haircuts, cleaning items, toiletries, church offerings, toys, movies, etc.
Total Monthly Expenses	Add A through J . Write the total in the box.

Financial Affidavit continued										
4. Assets	<i>Assets are things you own that have value. This means you would be able to get cash if you sold the items. You may hear assets called "property" or "belongings." Examples: a car, furniture, cash, savings account, etc.</i>									
Definitions:										
<i>Estimated Value</i>	– how much you think you could get if you sold the item today.									
<i>Loan Balance</i>	– how much you still owe on it. (For example, from a car loan or furniture that you bought on a finance plan).									
<i>Equity</i>	– how much money you have left after selling it and paying off the loan.									
Example:	<table style="margin-left: auto; margin-right: auto;"> <tr> <td>Your car is worth</td> <td>\$3000</td> <td>(Value)</td> </tr> <tr> <td>You still owe</td> <td>- 2000</td> <td>(Loan Balance)</td> </tr> <tr> <td>Money you have left</td> <td>= 1000</td> <td>(Equity)</td> </tr> </table>	Your car is worth	\$3000	(Value)	You still owe	- 2000	(Loan Balance)	Money you have left	= 1000	(Equity)
Your car is worth	\$3000	(Value)								
You still owe	- 2000	(Loan Balance)								
Money you have left	= 1000	(Equity)								
A. Real Estate	Write the - <i>Estimated Value</i>									
B. Motor Vehicles	- <i>Loan Balance</i>									
C. Other Personal Property	- <i>Equity</i>									
D. Savings Account Balance	Personal property includes jewelry, furniture, appliances, etc.									
E. Checking Account Balance	Write the total of all accounts. If you don't have any, write "0."									
F. Cash	Write the average monthly balance after the bills are paid. If you have none, write "0."									
G. Other Assets	Write the amount you have									
Total Assets	Write the type of asset									
	Add A through G of the Equity column and write the total in the box.									