

GLENN A. GRANT, J.A.D.
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TO: Hon. Carmen Messano
Assignment Judges
Hon. Patrick DeAlmeida
Civil, Criminal, Family, General Equity and
Municipal Presiding Judges
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
Division Managers, All Divisions

Directive #03-17
(corrected)

FROM: Glenn A. Grant, J.A.D. 

SUBJ: Fee Waivers Based on Indigence – Supreme Court Order; Fee Waiver
Application Form For All Courts

DATE: April 7, 2017 (updated April 20, 2017)

The Supreme Court by rule relaxation order dated April 5, 2017 (copy attached) has established a standard process and criteria for waivers of court filing and copy fees based on indigence. The Court's order relaxes Rules 1:13-2 ("Proceedings by Indigents") and Rule 2:7 ("Appeals by Indigent Persons"), effective immediately, pending adoption of conforming rule amendments.

As set forth in the order, court filing and/or copy fees may be waived "by reason of poverty" for litigants "(a) whose household income does not exceed 150% of the federal poverty level (with that level based on the number of members of the individual's household) and (b) who have no more than \$2500 in liquid assets, subject to completion and submission of a uniform fee waiver request form promulgated by the Administrative Director of the Courts and with eligibility for waiver to be determined based on the applicant meeting the above income and assets standards and providing the court with the required proof of eligibility." The referenced uniform fee waiver request form is attached in the form of a fee waiver packet. [Note: The packet was updated April 20, 2017.]

The order further provides that "[i]f the court determines that the complaint, application, motion, appeal, petition, or other filing is frivolous or malicious or constitutes an abuse of process, the court may deny such waiver of court filing and copy fees in

noncriminal matters, unless otherwise provided for by law.” Further, “[t]he provisions of this order are separate from issues related to Public Defender eligibility and Form 5A applications as well as protocols for permitting defendants to pay financial penalties in installments in the municipal courts.”

Thus, litigants seeking a waiver of court fees or copy fees based on indigence must complete and submit the forms contained in the attached fee waiver packet.

As set forth in the packet, Legal Services of New Jersey and its associated regional legal services programs, as well as public interest or legal services organizations, law school clinical or pro bono programs that have been certified by the Supreme Court pursuant to Rule 1:21-11 for fee waiver status are exempt from filing fees and thus are not required to make a request for a fee waiver in individual cases.

Questions or concerns regarding this Directive may be directed to Michelle M. Smith, Clerk of the Superior Court, at 609-984-4200 or michelle.smith@njcourts.gov.

attachments

c: Chief Justice Stuart Rabner
Hon. Jack M. Sabatino
Steven D. Bonville, Chief of Staff
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant

SUPREME COURT OF NEW JERSEY

Pursuant to N.J. Const. Art. VI., sec. 2, par. 3, it is ORDERED that the provisions of Rule 1:13-2 ("Proceedings by Indigents") and Rule 2:7 ("Appeals by Indigent Persons") of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed so as to permit waiver of court filing and copy fees by reason of poverty for litigants (a) whose household income does not exceed 150% of the federal poverty level (with that level based on the number of members of the individual's household) and (b) who have no more than \$2500 in liquid assets, subject to completion and submission of a uniform fee waiver request form promulgated by the Administrative Director of the Courts and with eligibility for waiver to be determined based on the applicant meeting the above income and assets standards and providing the court with the required proof of eligibility. If the court determines that the complaint, application, motion, appeal, petition, or other filing is frivolous or malicious or constitutes an abuse of process, the court may deny such waiver of court filing and copy fees in noncriminal matters, unless otherwise provided for by law. The provisions of this order are separate from issues related to Public Defender eligibility and Form 5A applications as well as protocols for permitting defendants to pay financial penalties in installments in the municipal courts. This order shall be effective immediately and shall continue in effect pending adoption of conforming rule amendments.

For the Court,
/s/ Stuart Rabner
Chief Justice

Dated: April 5, 2017



How to File for a Fee Waiver –All Courts Who Should Use This Packet?

You should use this packet if you believe that you cannot afford to pay the filing fees in your case. This form may be used when applying for a fee waiver in the Supreme Court, Appellate Division, Superior Court and Tax Court. This request is based upon your financial need. It requires the submission of financial records/documents in order for a judge to determine if your filing fees should be waived. This request can be filed by any party prior to and at any point during the lawsuit, except where a party is requesting a waiver of filing fees for the Supreme Court and Superior Court, Appellate Division. Please note that Rule 1:5-6 directs the clerk of the court to return papers as “received, but not filed,” when they are not accompanied by the required filing fee. For this reason, the filing fee or application to waive filing fee should accompany any filing that requires a fee. This packet explains how to file this request.

Legal Services of New Jersey and its associated regional legal services programs, as well as public interest or legal services organizations, law school clinical or pro bono programs that have been certified by the Supreme Court pursuant to Rule 1:21-11 for fee waiver status are exempt from filing fees and thus are not required to make a request for a fee waiver in individual cases.

Where the person filing these forms is requesting a waiver of fees in the Superior Court, Appellate Division, the application must first be made in the trial court pursuant to Rule 2:7-1. If the request is denied in the trial court, within 20 days, the person requesting the fee waiver may then apply for a fee waiver in the Appellate Division. If the person is requesting a waiver of fees in an appeal of an administrative agency determination, the application must be filed in the Appellate Division. For questions related to where the application should be filed, please contact the Superior Court Clerk’s Office at (609) 421-6100.

With limited exceptions, any paper filed with the court can be looked at by the public upon request. You may only file this request on behalf of yourself and not for anyone else. A Power of Attorney does not allow you to file on behalf of anyone else.

In the trial courts, if you are granted a fee waiver and are awarded more than \$2,000 in that same matter, you will be responsible to repay any and all fees waived by the court, as determined by court order.

Please follow the instructions included in this packet and make sure that all documents in support of this request are attached. You will be required to complete the following:

- FORM A – Certification/Petition/Application in Support of Fee Waiver
Attach your financial records/documentation to the Certification/Petition/Application

- FORM B – Order Waiving Filing Fees

Your fee waiver application may **not** be granted if you do not include all required income documentation. The court may request additional income verification, including but not limited to, state and federal tax returns and other sources of income. Keep a copy of whatever you file with the Court for your own records.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The instructions and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available on the Judiciary's Internet site www.njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms for the Supreme Court, Appellate Division and Tax Court are to be submitted to the respective Clerk's Office. Completed forms for the Superior Court are to be submitted to the courthouse in the county where you are going to file your case or where the case is already filed. A listing of the courthouse is available at njcourts.gov. For questions related to where the application should be filed, please contact the Superior Court Clerk's Office at (609) 421-6100.

INSTRUCTIONS

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½" x 11" white paper only. Forms may not be filed on a different size or color paper.

Steps for Filing a Fee Waiver FORM A

Complete the Certification/Petition/Application in Support of a Fee Waiver (Form A).

The *Certification/Petition/Application in Support of a Fee Waiver* tells the court the reasons why you want the fee waiver and the facts supporting why the court should grant your request. In the *Certification/Petition/Application* you will make a disclosure of your financial and employment situation.

1. At the top left of the form enter your name(s), address(es) and phone number(s). If you have an e-mail address(es), include that as well.
2. On the line labeled *Plaintiff(s)/Appellant(s)*, type or print the plaintiff's name(s). Plaintiff is the person or business entity who files the complaint in a lawsuit. An appellant is the person or business entity requesting the appeal. Business entities requesting a fee waiver are required to be represented by an attorney pursuant to Rule 1:21-1(c).
3. On the line labeled *Defendant(s)/Respondent(s)*, enter the name(s) of the defendants listed on the complaint. *Defendant* is the person or business entity being sued. A respondent is the person defending the appeal.
4. On the line labeled *County*, enter the county where the case is filed only if applying for a fee waiver in the Superior Court.
5. On the line labeled *Docket Number*, enter the docket number, if one has been assigned. This information can be found if a complaint was served on you or if an appeal has been filed.
6. Enter your name(s) and if you are the plaintiff(s)/appellant(s) or defendant(s)/respondent(s) on the line that says "I/We, _____, am/are the plaintiff(s)/appellant(s)/defendant(s)/respondent(s) in the above-captioned matter."
7. Identify if you are an inmate on the line that says "I/We _____ (am/am not/are/are not) an inmate in State prison or County Jail."
8. Identify if you have been determined eligible for *Public Assistance* and/or *Social Security Disability*. You must provide your most recent award statement as proof of eligibility.
9. Attach copies of all requested information as indicated on this form.

You must include the last three digits or numbers of any documents referenced below. However, you **must** also certify that you have removed or blacked out the remaining numbers or digits (confidential personal identifiers) from any of the following documents filed with the court:

- Social Security numbers,
- driver's license numbers,
- vehicle plate numbers,
- insurance policy numbers,
- active financial account numbers or
- active credit card numbers.

Do not redact (black out) any information in the original papers that you are keeping (such as a bank statement) since you may have to show them to the court at some point.

10. Enter your employer's name and information in the box that says "*Employer's Name, Address and Telephone Number.*"
11. Fill in the financial information requested in the box. The judge requires your asset information and how much money you receive monthly from all sources.
12. Date, print and sign your name. **Note:** When you sign this form, you are certifying that the statements made on the form are true. If you willfully make false statements, you may be subject to punishment.

All fee waiver applications must be filed at the courthouse or appropriate Clerk's office where you are going to file your case or where the case is already filed. A complete list of Courthouses can be found at the Judiciary's website www.njcourts.gov.

FORM B

Complete the *proposed form of Order* (Form B)

Fill in the information at the top of the page up to where you identify yourself as a plaintiff or defendant. Leave the line for the date of the Order and the rest of the form blank. The terms of the Order will be completed by the judge when the application is decided.

1. At the top left of the form enter your name(s), address(es) and phone number(s). If you have an e-mail address(es), include that as well.
2. On the line labeled *Plaintiff(s)/Appellant(s)*, type or print the plaintiff's name. Plaintiff is the person or business entity who files the complaint in a lawsuit. An appellant is the person or business entity requesting the appeal. Business entities, other than sole proprietorships, requesting a fee waiver are required to be represented by an attorney pursuant to Rule 1:21-1(c).
3. On the line labeled *Defendant(s)/ Respondent(s)* enter the name(s) of the defendants listed on the complaint. *Defendant* is the person or business entity being sued. A respondent is the person defending the appeal.
4. On the line labeled *County*, enter the county where the case is filed (only in the Superior Court.)
5. On the line labeled *Docket Number*, enter the docket number, if one has been assigned. This information can be found if a complaint was served on you or if an appeal has been filed.

6. Enter your name(s) and if you are the plaintiff(s)/appellant(s) or defendant(s)/respondent(s) on the line that says "application of _____ (*plaintiff(s)/appellant(s)/defendant(s)/respondent(s)*)."
7. **DO NOT** fill out anything that appears under the text "**For Court Use Only.**" The judge will complete the remaining information.

Check Your Completed Forms and Make Copies

Mail or Deliver Form A (*Certification/Petition/Application in Support of a Fee Waiver*), Form B (*Proposed Form of Order*) and all documentation to the Court.

You are required to provide a copy of Forms A and B to all named parties in the action, and to provide proof of service to the court where petition/application is made. If appellate filing fees are sought and the application is made in the trial court, a copy of the motion and proof of service must also be sent to the appellate court. Please black out all personal and confidential information, such as Social Security numbers, driver's license numbers, vehicle plate numbers, insurance policy numbers, active financial account numbers or active credit card numbers.

A complete list of Clerk's Offices and courthouses can be found at the Judiciary's site www.njcourts.gov.

NOTICE: This is a public document. Do not enter personal identifying information on it, such as your full Social Security number, driver's license number, insurance policy number, vehicle plate number or active financial account or credit card number. This document as submitted will be available to the public upon request.

Name _____
Address _____
Telephone _____
E-Mail _____

_____ Court of New Jersey
_____ County (if applicable)

Docket Number: _____

Plaintiff(s)/Appellant(s)

v.

Defendant(s)/Respondent(s)

**Certification/Petition/Application in
Support of a Fee Waiver**

I/We, _____, am/are the
(plaintiff(s)/ appellant(s)/ defendant(s)/ respondent(s)) in the above-captioned matter and
I/we make this certification in support of my/our request for a filing fee waiver pursuant to *Rule 1:13-2*
or *Rule 2:7-1*.

1. I/We am requesting this relief because I/we do not have sufficient funds or assets with which to pay the filing fees associated with this action.
2. I/We (am/ am not/ are/ are not) an inmate in State prison or County Jail.*

***Attachments necessary: If you are a state prison or county jail inmate, you must attach a certified copy of your prisoner's fund account statement from the appropriate correctional institution for the six months immediately preceding the date of this application. If you are requesting a waiver of the partial filing fee requirement set forth in *N.J.S.A. 30:4-16.3*, you must attach an affidavit of special circumstances.**

3. I have been determined to be eligible for one or more of the following: [*Check applicable boxes*]
 Public Assistance (please provide your most recent award statement as proof of eligibility);
 Social Security Disability (please provide your most recent award statement as proof of eligibility)

4. Below is an accurate and full disclosure of my financial situation:

Attachments necessary:

Provide two months of documentation for the following:

- Welfare, Public Assistance, Unemployment, Disability, Social Security, Child Support/Alimony, other income.

Provide six months of bank statements for the following:

- All bank accounts.

5. I/we (am/ am not/ are/ are not) claimed as a dependent on someone else's tax return.

Employer's Name, Address and Telephone Number:

Complete the Following Information:

Net Monthly Income	\$	House(s)/Land Market Value	\$
Spousal/Cohabitant Contribution	\$	Value of All Motor Vehicles	\$
Unemployment/Disability	\$	Cash	\$
Social Security	\$	Current Balance Checking Accts.	\$
Veterans Administration	\$	Current Balance Savings Accts.	\$
Pension	\$	Civil Judgment Awards/Pending	\$
Public Subsidies	\$	Current Value of Stocks/Bonds	\$
Child Support/Alimony	\$	Face Value of CDs/IRAs/401Ks	\$
Housing Subsidies	\$	Money Market Accounts	\$
Trust Fund Income	\$	Retrievable Bail Amt. & Location	\$
Income from Rental Properties	\$		
		Other Assets	
Total Monthly Income	\$	Total Assets	\$

6. I/We understand that I/we am/are under a continuing obligation to notify the court of a change in my financial situation.

Certification

I/We certify that the foregoing statements made by me/us are true. I/We am/are aware that if any of the foregoing statements made by me/us are willfully false, I/we am/are subject to punishment.

I/We further certify that in accordance with Court Rule 1:38-7(b) all confidential personal identifiers have been redacted and that subsequent papers submitted to the court will not contain confidential personal identifiers.

Date

Print your name(s)

Signature(s)

NOTICE: This is a public document. Do not enter personal identifying information on it, such as your full Social Security number, driver's license number, insurance policy number, vehicle plate number or active financial account or credit card number. This document as submitted will be available to the public upon request.

Name _____
Address _____
Telephone _____
E-Mail _____

_____ Court of New Jersey
_____ County (if applicable)
Docket Number: _____

Plaintiff(s)/Appellant(s)
v.

Defendant(s)/Respondent(s)

Order Waiving Filing Fees

This matter having been brought before the court on application of
(*plaintiff(s)*/ *appellant(s)*/ *defendant(s)*/ *respondent(s)*) for an **Order** waiving filing fees pursuant to *Rule 1:13-2* or *Rule 2:7-1*, and the Court having considered the moving party's financial information, the matter and for good cause appearing:

(Do not write below this line, For Court Use Only)

It is on this ____ day of _____, 20____, **ORDERED** that the application for a fee waiver is

Granted **Denied**