



IN FORMA PAUPERIS PROCEDURES

For the Plaintiff:

The instructions below detail how to file your case with the Clerk of Court if you are unable to pay the cost of filing and service fees associated with your case.

- 1) Complete form SCCA 405 titled "Motion and Affidavit to Proceed *In Forma Pauperis*." By filling out and signing this form and having it notarized you are swearing under oath that you do not have funds to pay the filing fee. Financial information must be included with proof of expenses available.
- 2) Complete the case caption section (top portion) of form SCCA 405.1 titled "Order: *In Forma Pauperis*."
- 3) Submit your Summons and Complaint (case initiation documents), completed motion and affidavit to proceed *in forma pauperis* and order to the Clerk of Court in the County where you intend to file the case.
- 4) The Clerk of Court will notify you when the motion has been granted or denied. If the motion is granted you will be permitted to proceed without paying a filing fee or service cost. If the motion is denied you will have a certain number of days to pay the filing fee or the case will be dismissed.

For the Clerk of Court:

The instructions below detail how to process cases received with an accompanying motion and affidavit to proceed *in forma pauperis*.

- 1) Clock or date stamp the summons, complaint, motion and affidavit to proceed *in forma pauperis*. Do not clock the Order granting or denying the motion yet.
- 2) Assign the next case number to the pleadings.
- 3) Forward all documents (summons, complaint, motion and affidavit to proceed *in forma pauperis*) to the Chief Judge for Administrative Purposes.
- 4) Once the order granting or denying the motion has been signed, clock the order and notify the plaintiff of the result. If the motion is granted the case remains open and may proceed. If the motion is denied and the plaintiff does not pay the filing fee within the time frame provided, the case should be dismissed without further order of the court.