

Lycoming Law Library at James V. Brown Library
In Forma Pauperis Petitions

Initial Actions

Rule 240 of the Pennsylvania Rules of Civil Procedure states that in forma pauperis petitions and orders “shall apply to all civil actions and proceedings except actions pursuant to the Protection from Abuse Act.

A party who is without financial resources to pay the costs of litigation is entitled to proceed in forma pauperis.”

If such a petition is filed simultaneously with the commencement of an action or the taking of an appeal, the prothonotary shall docket the action or shall accept the appeal and petition without the payment of any filing fee.

If the petition is denied, the petitioner shall pay the filing fee for commencing the action, or taking the appeal. The petitioner must pay the fee prior to taking any further steps in the action or appeal.

If an action is commenced, or appeal taken, without the simultaneous filing of a petition, the filing fee must be paid, and will NOT be refunded if the petition is later filed and granted.

A Note to Rule 240 states that The Protection from Abuse Act proceedings are governed by 23 PaCSA §6106, which concerns itself with commencement of proceedings in Domestic Relations cases.

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IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

CIVIL DIVISION

John Jacob Alpha :
Plaintiff :
 :
vs. : No. :
 :
Martha Washington :
Defendant CL- :

PETITION TO PROCEED IN FORMA PAUPERIS

Petitioner, _____, requests the Court to allow him/her to proceed without payment of the costs in this matter and in support of such request, has completed the attached Affidavit of Financial Status.

Date

Petitioner

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IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

CIVIL DIVISION

John Jacob Alpha :
Plaintiff :
 :
vs. : No. :
Martha Washington :
Defendant C1- :

AFFIDAVIT OF FINANCIAL STAYUS

1. I am the Plaintiff / Defendant in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct.

a. Name _____
Address _____
Social Security Number _____

b. Employment:
If you are presently employed, state:
Employer _____
Address _____
Salary or wages per month: _____
Type of work: _____

If you are presently unemployed, state:
Date of last employment _____
Salary or wages per month: _____
Type of work: _____

c. Other income within the last twelve months:
Business or profession _____
Other self-employment _____
Interest _____
Dividends _____
Pensions and annuities _____
Social Security benefits _____
Support payments _____

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Disability payments _____
Unemployment Compensation
and supplemental benefits _____
Workers' Compensation payments _____
Public Assistance _____
Other _____

d. Other contributions to household support:
Wife / Husband Name _____
If spouse is employed, state:
Employer _____
Salary or wages per month _____
Type of work _____
Contributions from children _____
Other Contributions _____

e. Property owned:
Cash _____
Checking Account _____
Savings Account _____
Certificates of deposit _____
Real estate (including home) _____
Motor Vehicle Make _____ Year _____
 Cost _____ Amount owed _____

f. Debts and Obligations
Mortgage _____
Rent _____
Loans _____
Other _____

g. Persons dependent upon you for support
Wife / Husband name _____
Children, if any
Name _____ Age _____
Name _____ Age _____
Name _____ Age _____
Other persons
Name _____
Relationship _____

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 PaCSA §4909, relating to unsworn falsification to authorities.

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Date

Petitioner

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Appeals

Rule 551 of the Pennsylvania Rules of Appellate Procedure states: “A party who has been granted leave by a lower court to proceed in forma pauperis may proceed in forma pauperis in an appellate court upon filing with the clerk of the lower court two copies of a verified statement stating:

- (1) the date on which the lower court entered the order granting leave to proceed in forma pauperis; and
- (2) that there has been no substantial change in the financial condition of the party since that date; and
- (3) that the party is unable to pay the fees and costs on appeal.

Dunlap-Hanna Pennsylvania Forms volume 14 [at **R 347.93 DUN** in the Gates Lab alcove of the Law Library] has basic outlines of the RAP 551 form at 231.19A-10(2) and RAP 552 at 231.19A-20.

Rule 552 covers the filing of an application to the lower court for Leave to Appeal In Forma Pauperis [where the In Forma Pauperis was not originally granted by the lower court].

Rule 553 cover In Forma Pauperis applications to the Appellate Court.

Source: PA Rules of Civil Procedure 240
PA Rules of Appellate Procedure 551-561

NOTE: The above information is not intended to be a substitute for legal advice or representation. Consult an attorney if you have questions about how this information relates to your specific situation or circumstance.

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