



How to Apply for Poor Person Status

New York realizes that some people don't have the money to pay filing fees and costs associated with an action. The law permits you to apply for an order designating yourself as a poor person. This allows you to start your action for *free*.

How do I request poor person status?

You must submit an Affidavit, or a written statement sworn to before a notary public, to the Court Clerk where you want to start your action. This Affidavit must:

- ◆ Support your request according to the standards set out in Section 1101 of the Civil Practice Law and Rules (or the CPLR for short).
- ◆ Include detailed information about your finances, such as income and property owned and the number of people you are supporting.
- ◆ Provide backup documentation about your financial details, such as pay stubs, tax returns or Social Security check stubs.
- ◆ Provide a copy of the papers you want to file in order to start your action, such as motion papers or a Summons and Complaint.

You must also submit a proposed Poor Person Order for the judge's review and signature.

Where I can find the forms?

You can find these forms and detailed instructions at your local law library or online at:

<http://www.nycourts.gov/courts/6jd/forms/SRForms/index.shtml>

How many copies of the Affidavit and Order will I need?

You will need to file the original papers (Affidavit and Order) with the court. You should keep a copy for your records and a copy to serve on the County Attorney where you are going to start your action. If you are filing for poor person status in Cortland or Delaware County, you don't need a copy for the County Attorney *unless* you have already started your action.

Should I apply for poor person status *before* or *after* I start my action?

Before is best since you need to pay a fee to start your action.

If I already started my action, can I still apply for poor person status?

Yes! However, you now need to serve copies of the Affidavit and proposed Order on all parties named in your action and a copy on the County Attorney where the action was started.

Can my request be denied?

Yes. The judge may deny your request based on your income, the amount and value of property you own or if the action you want to start lacks merit (is not worthy).

If your request is denied, you will be given notice by written order that your action will be dismissed if the filing fee isn't paid within 120 days of the date of the order.

My request was granted, what next?

After the judge signs the order, the court will file a copy with the County Clerk's Office and send you a signed copy. Once you receive your copy, you can go to the County Clerk and start your action for free.

Does this mean I will *never* have to pay any expenses?

No! Poor person status allows you to start your action without paying the initial fees or court costs. As your case moves through the court system, you may find there are certain expenses associated with your action. These can include copy fees, expert witness testimony and preparing for trial. You are responsible for paying these expenses.

More Questions?



You can go to your local law library. To find the one nearest you, go to our website at:

<http://www.nycourts.gov/courts/6jd/index.shtml>