

SUPREME COURT, CIVIL BRANCH
NEW YORK COUNTY
60 Centre St., New York, N. Y. 10007

Office for the Self Represented
Room 116, (646) 386 - 3025

How to Apply for Poor Person Status

A person with limited financial resources may apply to the court for an exemption from paying court filing fees.

This is done by submitting to the court an affidavit about your income and assets. The affidavit must show the court that you are unable to pay and cannot proceed with your lawsuit without an order granting the exemption.

The affidavit is submitted with the "Poor Person Order" (both forms are attached), proof of income and the papers that will start the lawsuit (see below).

To process your request, you must fill out and submit items 1- 4 listed below:

1. Poor Person application papers

Poor Person Order - this is the order the Judge signs if you are granted poor person status.
Affidavit in Support - this form gives the Judge your income information.

It must be signed in front of a notary. There is a free notary at the County Clerk's Office, 60 Centre St., Room 141B in the basement.

Litigation Back - this form gives the names of the parties in the lawsuit, your name, address and telephone number where you can be contacted by the court.

2. A photo ID - you must submit a copy of your ID

3. Current proof of the amount of your income

- public assistance: budget letter or original ATM or cashier's receipt
- social security: award letter (may be obtained at 26 Federal Plaza, 31st floor)
- workers compensation/unemployment benefits: statement showing dollar amount received
- pension benefits: statement showing dollar amount received
- student loans: statement showing dollar amount received
- employed: pay stub

- you are a dependent of someone else, his or her notarized affidavit is required
If you do not meet any of these requirements, ask the Clerk in Room 116 for further instructions.

4. The papers to start your lawsuit must satisfy the Judge that your case has merit

- an *action*: the Summons and Complaint
- a *special proceeding*: the Notice of Petition or Order to Show Cause papers and the Request for Judicial Intervention (RJI) form.
- a *divorce*: Summons with Notice
- the Application for Index Number and Index Purchase Cover Sheet forms

See the pamphlet 'How to Commence a Civil Action', 'How to Commence a Special Proceeding' or the Uncontested Divorce Kit, available in Room 116.

Preparing the poor person application papers

Print or type using **black** ink. Follow the instructions printed in **bold type** on the forms.

Poor Person Order

- [1] your name(s)
- [2] name(s) of party(ies) you are suing
- [3] Index Number (given when your case is filed)
- [4] your name(s)
- [5] date your Affidavit in Support is signed in front of a notary
- [6] describe the lawsuit you are filing
- [7] your name(s)
- [8] name(s) of party(ies) you are suing

[Print in black ink all areas in bold letters.]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application of _____ X
[1]
[your name] Plaintiff(s)/Petitioner(s)

For Permission to Prosecute as a Poor Person an
Action/Proceeding pursuant to Article 11 of the CPLR
- against -

INDEX NUMBER _____

**AFFIDAVIT IN SUPPORT OF
APPLICATION TO PROCEED
AS A POOR PERSON**

_____ X
[fill in name(s)] Defendant(s)/Respondent(s)

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:
[3] _____ [your name], being duly sworn, says:

1. I reside at **[4]** _____ [your
address], in the State of New York, and I have resided in the State of New York for the past
[5] years [consecutive years of residence in New York State].

2. I am about to commence a lawsuit for [briefly describe why you are bringing a lawsuit]
[6] _____

3. My source(s) of income is/are [state how you earn all of your income, including any
government benefits] **[7]**
I am employed at [name of employer] _____
and earn [amount] \$ _____ [circle one] monthly/yearly.
I receive government benefits from [identify source] _____
in the amount of \$ _____ [circle one] monthly/yearly.
All other sources of income are [identify source and amount] _____

I support myself and [identify members of household] **[8]** _____

I have a balance of [amount] \$ **[9]** _____ in my bank account(s).

12-06

[Print in black ink all areas in bold letters.]
Other spaces are for court use.

PLAINTIFF'S NAME AND ADDRESS IN FULL LETTERS
of the Supreme Court of the State of
New York, held in for the County of
New York at the County Courthouse,
60 Centre Street, New York, N. Y.,
on the ___ day of _____, 200__

PRESENT: HON. _____
Justice of the Supreme Court

In the Matter of the Application of _____ X
[1] Index Number
[fill in name(s)] Plaintiff(s)/Petitioner(s) **[3]**

For permission to Prosecute as a Poor Person an Action/Proceeding
pursuant to Article 11 of the Civil Practice Law and Rules
- against -

[2] POOR PERSON ORDER

_____ X
[fill in name(s)] Defendant(s)/Respondent(s)

Upon the annexed affidavit of **[4]** _____ [your name], plaintiff/petitioner
sworn to, **[5]** _____, 200__ [date Affidavit in Support signed in front of a notary], the
summons/summons with notice/verified complaint/petition and certificate of _____
Esq., dated _____, 200__.

And it being alleged that said plaintiff/petitioner has a good cause of action or claim based
upon [briefly describe the nature of the lawsuit] **[6]** _____

And it being alleged that he/she is unable to pay the costs, fees and expenses to prosecute
this action, and that there is no other person beneficially interested in the action thereof,
Now on motion of **[7]** _____ [your name] plaintiff/petitioner it is hereby
Ordered that, plaintiff/petitioner is permitted to prosecute this action as a poor person against
[name(s) of defendant(s)/respondent(s)] **[8]** _____
_____ and it is further

Ordered that any recovery by judgment or settlement in favor of the plaintiff/petitioner shall be
paid to the Clerk of the Court to await distribution pursuant to court order, and it is further

Ordered that the Clerk of this Court is directed to make no charge for costs or fees in
connection with the prosecution of this case, including one certified copy of the judgment.
ENTER:

11-06 J. S. C.

Affidavit in Support

- [1] your name(s)
- [2] name(s) of party(ies) you are suing
- [3] your name
- [4] your address
- [5] length of time you have lived in New York State
- [6] briefly describe the lawsuit you are filing
- [7] describe all sources of income
- [8] identify other members of your household
- [9] give the total dollar amount in all bank accounts

Affidavit in Support continued

[10] describe your personal property and give its total dollar value (include household items, clothing, jewelry, motor vehicle)

[11] if you made this request before explain why it should now be granted and how you have satisfied any condition required by the Judge

[12] sign and print your name in front of a notary

[Submit current proof of amount of income, for example, employer's pay stub, pension letter, social services budget letter, SSI award letter. Attach a copy of a photo I.D.]

4. My property and its value is as follows [personal property includes, for example clothing, jewelry, furniture, car, real estate and so on. Give total dollar value] _____
 [10]

5. I make this application pursuant to Section 1101 of the Civil Practice Law and Rules upon the ground that I am unable to pay costs, fees, and expenses necessary to pursue my case and am unable to obtain the funds to do so, and unless an order is entered relieving me from the obligation to pay, I will be unable to prosecute my case.

6. No other person is beneficially interested in the recovery sought herein.

7. No previous application for the same or similar relief has been made by me in this case except: [11] _____

[If any previous request has been made, give a description of where, when and by whom the request was made, the result, and if the application was unsuccessful, why you believe you are entitled to apply again].

WHEREFORE, I respectfully ask for an order permitting me to prosecute this action as a poor person.

Sworn to before me _____ day of _____, 200__

Notary-Public

[12] _____
 Plaintiff/Petitioner
 [sign your name in front of a notary]

_____ [print your name]

2 PPOA112-06

Litigation Back - only fill in the *right* side of the page

[1] your name(s)

[2] name(s) of the party(ies) you are suing

[3] sign and print your name(s), address(es), and telephone number(s)

*****NOTICE OF ENTRY*****

Sir/Madam:
 Please take notice that the within is a (certified) true copy of a _____ duty entered in the office of the clerk of the within named court on the ____ day of _____, 200__

Dated: _____ Yours, etc.
 Attorney for: _____ Petitioner / Respondent Office and Post Office Address

To: Attorney(s) for _____

INDEX NUMBER _____

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

[1] _____
 - against - Plaintiff / Petitioner

[2] _____
 Defendant/ Respondent

*****NOTICE OF SETTLEMENT*****

Sir/Madam:
 Please take notice that an _____ of which the within is a true copy will be presented for settlement to the Hon. _____, one of the Justices of the within named court at _____, 200__ at _____ AM/PM

Dated: _____, 200__ Yours, etc

Petitioner _____

To: Attorney(s) for _____

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers and the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22NYCRR).

Sign Name: [3] _____

Print Name: _____

Address: _____

Telephone: _____

Service of a copy of the within is hereby admitted

Dated: _____, 200__
 Attorney for _____

Submitting your papers to the court

- Arrange your poor person application papers as follows:
 - 1st Poor Person Order
 - 2nd Affidavit in Support
 - 3rd proof of income
 - 4th copy of photo ID (and copy of marriage license - see page 1)
 - 5th Litigation BackStaple the papers together.
- Go to the Office for the Self Represented, 60 Centre St., Room 116, 1st floor with the following:
 - Poor Person application papers (listed above)
 - the papers to start your lawsuit
 - the Application for Index Number and Index Purchase Cover Sheet forms.
- Your papers will be sent to a Judge.
Wait 24 - 48 hours and call the Office for the Self Represented at (646) 386 - 3025.
When you call, say you have submitted a poor person order and give the name of your case.
You will be told if your request has been granted and given further instructions.
- If your request is granted, come to Room 116, *with* your photo ID.
Important: You will need one copy of the papers to start your lawsuit for each party being sued and a copy for yourself.
Your original papers and 2 copies of the approved Poor Person Order will be given to you.
Keep the copies of the approved Poor Person Order and submit one when you are filing papers with the court that require the payment of a fee.

Obtaining your Index Number and starting your lawsuit

- Go to the County Clerk's Office, Room 141B, in the basement, to the Law & Equity counter.
Tell the Clerk you are picking up your poor person order and show your ID.
- The Clerk will send you to the Cashier's cage in Room 141B. You will give the Cashier:
 - if starting an *action*: the original summons and complaint
 - if starting a *special proceeding*: a copy of the Notice of Petition or Order to Show Cause papers. (The Request for Judicial Intervention (RJI) form is not submitted at this time).
 - if starting a divorce: the original summons with notice
and
 - the Application for Index Number and Index Cover Sheet forms
- The Cashier will give you a receipt with your Index Number.
Write it on all papers concerning your lawsuit.
- Now, follow the instructions in the pamphlet 'How to Commence a Civil Action' or 'How to Commence a Special Proceeding' to continue with your lawsuit.

[Print in **black** ink all areas in bold letters.
Other spaces are for court use.]

At the Office for the Self-Represented
of the Supreme Court of the State of
New York, held in for the County of
New York at the County Courthouse,
60 Centre Street, New York, N. Y.,
on the ___ day of _____, 200__

PRESENT: HON. _____
Justice of the Supreme Court

-----X
In the Matter of the Application of

Index Number

[fill in name(s)] Plaintiff(s)/Petitioner(s)

For permission to Prosecute as a Poor Person an Action/Proceeding
pursuant to Article 11 of the Civil Practice Law and Rules
- against -

POOR PERSON ORDER

[fill in name(s)] Defendant(s)/Respondent(s)

-----X
Upon the annexed affidavit of _____ [your name], plaintiff/petitioner
sworn to, _____, 200__, [date Affidavit in Support signed in front of a notary], the
summons/summons with notice/ verified complaint/petition and certificate of _____,
Esq., dated _____, 200__.

And it being alleged that said plaintiff/petitioner has a good cause of action or claim based
upon [briefly describe the nature of the lawsuit] _____

And it being alleged that he/she is unable to pay the costs, fees and expenses to prosecute
this action, and that there is no other person beneficially interested in the action thereof,

Now on motion of _____ [your name] plaintiff/petitioner it is hereby

Ordered that, plaintiff/petitioner is permitted to prosecute this action as a poor person against
[name(s) of defendant(s)/respondent(s)] _____

_____ and it is further

Ordered that any recovery by judgment or settlement in favor of the plaintiff/petitioner shall be
paid to the Clerk of the Court to await distribution pursuant to court order, and it is further

Ordered that the Clerk of this Court is directed to make no charge for costs or fees in
connection with the prosecution of this case, including one certified copy of the judgment.

ENTER:

[Print in **black** ink all areas in bold letters.]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
In the Matter of the Application of

Index Number

[your name] Plaintiff(s)/Petitioner(s)

For Permission to Prosecute as a Poor Person an
Action/Proceeding pursuant to Article 11 of the CPLR
- against -

AFFIDAVIT IN SUPPORT OF
APPLICATION TO PROCEED
AS A POOR PERSON

[fill in name(s)] Defendant(s)/Respondent(s)

-----X
STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

_____ [your name], being duly sworn, says:

1. I reside at _____, [your
address], in the State of New York, and I have resided in the State of New York for the past
_____ years [consecutive years of residence in New York State].

2. I am about to commence a lawsuit for [briefly describe why you are bringing a lawsuit]

3. My source(s) of income is/are [state how you earn all of your income, including any
government benefits]

I am employed at [name of employer] _____
and earn [amount] \$ _____ [circle one] monthly/yearly.

I receive government benefits from [identify source] _____
in the amount of \$ _____ [circle one] monthly/yearly.

All other sources of income are [identify source and amount] _____

I support myself and [identify members of household] _____

I have a balance of [amount] \$ _____ in my bank account(s).

[Submit current proof of amount of income, for example, employer's pay stub, pension letter, social services budget letter, SSI award letter. Attach a copy of a photo I.D.]

4. My property and its value is as follows **[personal property includes, for example clothing, jewelry, furniture, car, real estate and so on. Give total dollar value]** _____

5. I make this application pursuant to Section 1101 of the Civil Practice Law and Rules upon the ground that I am unable to pay costs, fees, and expenses necessary to pursue my case and am unable to obtain the funds to do so, and unless an order is entered relieving me from the obligation to pay, I will be unable to prosecute my case.

6. No other person is beneficially interested in the recovery sought herein.

7. No previous application for the same or similar relief has been made by me in this case except: _____

[If any previous request has been made, give a description of where, when and by whom the request was made, the result, and if the application was unsuccessful, why you believe you are entitled to apply again].

WHEREFORE, I respectfully ask for an order permitting me to prosecute this action as a poor person.

Sworn to before me
____ day of _____, 200__

Plaintiff/Petitioner
[sign your name in front of a notary]

Notary Public

[print your name]

*****NOTICE OF ENTRY*****

Sir/Madam:

Please take notice that the within is a (certified) true copy of a _____ duly entered in the office of the clerk of the within named court on the _____ day of _____, 200__

Dated: _____ Yours, etc.
Attorney for: _____ Petitioner / Respondent
Office and Post
Office Address

To: _____
Attorney(s) for _____

*****NOTICE OF SETTLEMENT*****

Please take notice that an _____ of which the within is a true copy will be presented for settlement to the Hon. _____, one of the Justices of the within named court at _____, 200__ at _____ AM/PM, on _____, 200__

Dated: _____, 200__ Yours, etc
Petitioner _____

To: _____
Attorney(s) for _____

INDEX NUMBER _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

_____ Plaintiff / Petitioner
- against -

_____ Defendant/ Respondent,

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers and the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22NYCRR).

Sign Name: _____

Print Name: _____

Address: _____

Telephone _____

Service of a copy of the within is hereby admitted

Dated: _____, 200__
Attorney for _____