

SUPREME COURT CIVIL TERM
QUEENS COUNTY COURT HELP CENTER

NOTE: ALL PERSONS WITHOUT COUNSEL ARE ADVISED TO CONSULT WITH AN ATTORNEY ON LEGAL MATTERS. NEITHER THE COURT HELP CENTER STAFF NOR ANY OTHER MEMBERS OF THIS COURT'S STAFF CAN OFFER YOU LEGAL ADVICE OR MAKE SUGGESTIONS AS TO HOW YOU SHOULD PREPARE YOUR PAPERS. COURT STAFF CANNOT RECOMMEND OR SUGGEST COUNSEL TO YOU OR ACT AS YOUR COUNSEL.

HOW TO APPLY FOR POOR PERSON STATUS

New York state law recognizes that some persons may lack the financial resources needed to pay filing fees and court costs associated with a lawsuit. The law permits such a person to apply to the court for an order designating the applicant as a poor person and relieving the person of the obligation to pay fees, costs and expenses required to file papers. The applicant will not be allowed a waiver/exemption from the obligation to pay merely because he or she would rather not pay or because his/her financial circumstances are difficult. Rather, the applicant must attest to the truthfulness of statements regarding their income and inability to pay required court fees and costs. The applicant must state that he or she is unable to pay the fees and costs associated with the lawsuit and will not be able proceed in the absence of an order granting a waiver of filing fees. The applicant must provide the court with proof of their income i.e. copy of pay stubs, social security award letter, proof of pension, public assistance benefits etc. The applicant must prepare an affidavit supporting his/her request for poor person status sufficient to meet the standards set out in the law, specifically, Section 1101 of the Civil Practice Law and Rules (copy of section 1101 attached). A form poor person affidavit is attached hereto.

Details of the financial condition of the applicant (income and property owned) must be set forth and those details must satisfy the court that a waiver of the filing fees/costs is warranted. If the affidavit consists of generalities or if the showing is unsatisfactory, the request may be denied.

The court may insist, as provided by CPLR 1101(a) that the applicant submit a certificate signed by an attorney admitted to practice law in the state of New York stating that he or she has examined the applicant's case and that the case has merit. Please, note such a statement is not required when the applicant is commencing a proceeding.

The applicant must also submit a proposed poor person order for submission to a judge of this court. The form poor person order is attached hereto.

The completed poor person application and affidavit must be presented to the Office of the Queens County Clerk (room 106) for issuance of an index number. The poor person application should be accompanied by a copy of the papers that the applicant wishes to file in order to commence his/her lawsuit (i.e. Summons with Notice, Summons and Complaint, Notice of Petition and Petition). After the litigant/applicant has obtained an index number from the County Clerk, they shall take the papers involving matrimonial actions, ex-parte application or motions to room 140 to the appropriate department. Notices of Petition and Notices of Motion should be submitted to the Motion Support Department. Orders to Show Cause and other ex-parte matters are to be submitted to the Ex-Parte Department. Matters involving divorce, annulments etc. are to be submitted to the Matrimonial Department. If the applicant is seeking a waiver of filing fees regarding a Guardianship matter, the applicant must submit all papers to the Guardianship

Department (room 100, window #1).

A ruling on the request will generally be issued within 1 week after submission. Once the poor person application has been determined by a Justice of this court, the papers will be forwarded by chambers staff to the appropriate department for further processing. After the appropriate department has processed the papers, they will be forwarded to the Queens County Clerk for entry. You can retrieve a copy of the entered order from the Office of the Queens County Clerk (room 106).

If the application is granted the designated poor person will thereafter be able to make additional filings in the matter without payment of required motion fees etc. The poor person status granted in a particular matter does not mean that a determination has been made regarding every matter the particular applicant may seek to commence in the future. If an applicant seeks to commence a subsequent proceeding in the future, the applicant will have to seek waiver of fees if they still lack the ability to pay court costs and fees associated with the new proceeding.