

SUPREME COURT, CIVIL BRANCH  
BRONX, COUNTY

Help Center, Room 121

**HOW TO APPLY FOR POOR PERSON STATUS**

New York 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 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 these fees, costs and expenses (although the filings must in any event be made) . The applicant will not be allowed an exemption from the obligation to pay merely because he or she would rather not pay, or because his or her circumstances are difficult. Rather, the applicant must swear, upon pain of penalty or perjury, that he or she is unable to proceed in the absence of an order granting an exemption.

The applicant must prepare an affidavit supporting a 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) . **Print or type using black ink only.** A form of poor person affidavit is attached. Details of the financial condition of the applicant is attached (income and property owned) must be set forth and those details must satisfy the court that an exemption from the obligation to pay is warranted. If the affidavit consists of generalities or if the showing is unsatisfactory, the request may be denied. Documentation of the figures provided to the court is required (e.g. , pay stubs from an employer, social services budget letter).

Furthermore, the papers must satisfy the court that the case the applicant wishes to bring has some merit. The court may insist, as provided by CPLR 1101, that the applicant submit a certificate signed by an attorney admitted to practice law in New York stating that he or she has examined the applicant's case and finds that it has merit.

The applicant will also submit a proposed form of poor person order that the applicant wishes the Justice to sign. **Print or type using black ink only.** A form of such an order is attached.

The application should be presented to the General Clerk's Office room 217, along with the commencement papers, that is, the papers which will initiate the action, when the applicant is ready to purchase an Index Number. The Index Number is the number assigned to every action or proceeding commenced within the New York Supreme Court. The number is used to identify a case throughout the court system in that particular county.

The papers will be presented to a Justice of the court. A ruling on the request will issue in a few days after the papers in proper form are submitted.

If the request is granted, the poor person order will be filed by the court with the County Clerk.

At **TRIAL TERM PART** \_\_\_\_\_  
Of the Supreme Court of the Bronx County Courthouse  
851 Grand Concourse Bronx, New York 10451  
This \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_\_

**PRESENT; Hon.** \_\_\_\_\_,  
**Justice**

-----x  
**POOR PERSON ORDER  
CPLR 1101 (d)**

Petitioner / Plaintiff,  
**- against -**  
Respondent / Defendant  
-----x

Upon reading and filing the affidavit of the Petitioner / Plaintiff sworn to the \_\_\_\_\_  
day of \_\_\_\_\_ 201\_\_\_\_, and due deliberation having been had thereon, it is;

**ORDERED**, that the application of the Petitioner / Plaintiff for leave to proceed as a poor person is approved, and all fees and costs relating to the filing of the Summons with Notice or the Summons and Complaint and the subsequent Request for Judicial Intervention (RJI) are waived.

(OR)

**ORDERED**, that the application of the Petitioner / Plaintiff for leave to proceed as a poor person is denied, and unless the Petitioner / Plaintiff pays the statutory Index Number fee within 120 days from the date of this order, the action is deemed dismissed without prejudice.

**ENTER:**

\_\_\_\_\_  
J.S.C.

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

-----x

Plaintiff,  
Petitioner,

- against -

Defendant,  
Respondent,

-----x

STATE OF NEW YORK)  
COUNTY OF BRONX) ss:

The undersigned, being duly sworn, says:

1. I am the plaintiff / defendant in this case. I submit this affidavit in support of my request,

(a) for waiver of the index number fee and / or any filing and service fee and costs, and

(b) to proceed in this case as a poor person.

2. I support myself and \_\_\_\_\_ others in my household.

3. My only source of income is (check one) :

- Public Assistance
- Social Security / SSI
- Other

4. The amount of income I receive each month is \$ \_\_\_\_\_.

5. Check one of the items below:

- I do not have a bank account
- I have a bank account with approximately \$ \_\_\_\_\_ in the account.

6. I own the following property which has an estimated value as indicated:(If none, write "None")

List Property

Value

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Index No. \_\_\_\_\_ / \_\_\_\_\_

**Affidavit in Support of  
Application to Proceed as a  
Poor Person**

- 7. I have no other savings, property or assets.
- 8. I am unable to pay the costs, fees and expenses necessary to assert my rights in this case.
- 9. No one else who is able to pay any required costs and fees has a beneficial interest in the results of this case.
- 10. Briefly stated, the facts of my case are as follows:  
(For example, if seeking a divorce on grounds of abandonment, briefly state the circumstances of the abandonment, including date and place.)

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- 11. A copy of my proposed summons and verified complaint or other court pleadings are attached.
- 12. I have made no prior request for this relief in this case.

Wherefore, I request (a) that all fees relating to the filing and service of this action / proceeding be waived, and (b) that I be permitted to proceed in this case in all respects as a poor person.

Dated; \_\_\_\_\_, 201\_\_\_\_  
\_\_\_\_\_  
(Signature)

Sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 201\_\_\_\_

\_\_\_\_\_  
Notary Public / Court Clerk