

COUNTY OF \_\_\_\_\_

\_\_\_\_\_

Petitioner

**Application to Waive  
Extreme Risk Protection Order Filing Fees**

vs.

\_\_\_\_\_

Respondent

Index Number: \_\_\_\_\_

I am the petitioner in an application for an extreme risk protection order. I submit this application for a waiver of filing fees in the interest of justice and in support of the intent of CPLR Article 63-A to protect the community by preventing persons who are likely to engage in conduct harmful to themselves or others from possessing or purchasing firearms, rifles or shotguns.

The law permits an application for an extreme risk protection order to be brought by a police officer, a district attorney, a school official, or member of the respondent’s family or household. Police officers and district attorneys are clearly entitled to a waiver of all filing fees (CPLR 8018(b)(3)). Similarly, no fee may be charged where a civil cause of action is brought by a school district (CPLR 8018(b)(5)). Additionally, the Unified Court System, recognizing the importance for fee waiver status for an extreme risk protection order, has amended the Uniform Rules of the Supreme Court to authorize filing of a request for judicial intervention without fee in an application for an extreme risk protection order (22 NYCRR §202.6(b)).

Petitioner requests that this application for an extreme risk protection order by a member of the respondent’s family or household or by the designated official of a private school be granted the same fee waiver status as all other authorized petitioners, and to treat an extreme risk protection order with the same fee waiver status as provided to other orders of protection (see e.g., 34 U.S.C. §10461). I have been informed that an amendment to the civil practice law and rules is underway to clarify the law regarding collection of fees and make it plain that fee waiver status is mandatory for all applications for an extreme risk protection order.

The interest of justice supports granting this application because it will promote the purposes of the statute. The failure to grant fee waiver status may result in withdrawal of this application and an impediment to bringing similar applications by family or household members of respondents or by designated officials of private schools, which would needlessly risk public safety and risk immediate harm to individuals in our community. The county clerk will waive a filing fee upon direction of the court, and I submit that the court has the authority to waive the fee in the interest of justice and that it would be appropriate to do so in this case.

For the foregoing reasons, I request the court to waive filing fees in connection with this application.

\_\_\_\_\_  
Signature of Petitioner

**FOR COURT USE ONLY – DO NOT WRITE BELOW THIS LINE**

**Determination of Fee Waiver Application**

- Granted
- Denied

**SO ORDERED:**

\_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
Judge Signature

\_\_\_\_\_  
Judge Name