

Fee Waiver (IFP) Bill

March 6, 2024 Draft

Section 1. Minnesota Statutes 2022, section 563.01, subdivision 3, is amended to read:

Subd. 3. ~~Court fee waiver; authorization~~ **Authorization of in forma pauperis.** (a) Any court of the state of Minnesota or any political subdivision thereof may authorize the commencement or defense of any civil action, or appeal therein, without prepayment of fees, costs and security for costs by a natural person who makes affidavit stating (a) the nature of the action, defense or appeal, (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to pay the fees, costs and security for costs.

(b) Upon a finding by the court that the action, defense, or appeal is not of a frivolous nature, the court shall allow the person to proceed ~~in forma pauperis~~ without prepayment of fees, costs and security for costs if the affidavit is substantially in the language required by this subdivision and is not found by the court to be untrue.

(c) Persons ~~meeting~~ presumed to meet the requirements of this subdivision include, but are not limited to, a person who is receiving public assistance described in section 550.37, subdivision 14, who is represented by an attorney on behalf of a civil legal services program or a volunteer attorney program based on indigency, or who has an annual income not greater than 125 percent of the poverty line established under United States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

(c) Notwithstanding paragraphs (a), a person who is represented by a civil legal services program or a volunteer attorney program based on indigency may be allowed to proceed without prepayment of fees, costs and security for costs without additional findings if the attorney representing the person submits an affidavit or makes an oral attestation during a court proceeding stating that civil legal services or a volunteer attorney program services are being provided to the client.