New Procedure for Making an Application to Waive Fees and Costs (proceeding *In Forma Pauperis* (IFP)). Beginning **November 1, 2026**, the following policy, outlined by statewide Pa.R.J.A. 1990, shall take effect in the 39th Judicial District:

Information / **Self Help** about Seeking a Waiver of Fees and Costs for certain civil actions at Magisterial District Court and Court of Common Pleas (proceeding IFP, *in forma pauperis*)

1. **Eligibility**. Consult Rule 1990 (see full text of Rule on County website) to determine if you are eligible to obtain a waiver of your fees and costs associated with your litigation. See Pa.R.J.A. 1990(c)(emphasis added). The following **may** be a basis for your fee waiver:

    a. **If you are without Financial Resources**, meaning:

        i. you receive needs-based public assistance (including, but not limited to, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Supplemental Security Income (SSI), or Temporary Assistance to Needy Families (TANF));

        or

        ii. you meet the following income and asset requirement: gross income (i.e., before taxes and other deductions) that is 200% or less than the federal poverty guidelines for the party's household size; and assets less than $10,000, excluding the party's home and one vehicle.

    See Pa.R.J.A. 1990(c)(1).

    b. If you will have a **"Substantial Financial Hardship**" paying the fees and costs associated with your legal action you may be eligible for a waiver. **Financial hardship** means the party is or will be unable to fully meet their basic human needs or obligations including, but not limited to, nutrition, housing, utilities, health, transportation, care of dependents, or other areas of essential need, by paying the fees and costs associated with the legal action based upon:

        1. the party's gross income, assets, and expenses;

        2. the number of minor children or adult children, who are incapable of self-support due to a physical or mental disability, that the party is supporting, including a child support obligation;

3. employment history;

4. other available financial resources, including resources from individuals who have a duty of support to the party; and

5. other factors affecting the party's income, assets, or expenses.

See Pa.R.J.A. 1990(c)(2).

c. Representation by certain Attorneys – if your **legal aid** organization attorney or an **attorney providing free legal services** (public defender or court appointed counsel) reasonably believes you are unable to pay the fees and costs associated with your legal action, your attorney may file a *praecipe* stating that belief (see sample *praecipe* below). See Pa.R.J.A. 1990(c)(3).

2. **If you believe you may be eligible, complete an Application** to Waive Fees and Costs Form – download the PDF fillable Application on the Administrative Office of Pennsylvania Courts (AOPC) website, download the Word version from the county websites, **or** you may fill out a paper Application in person at the Filing Offices.

3. **File** your completed, signed **Application** with the appropriate Filing Office (Prothonotary for civil cases, Clerk of Courts for criminal cases, and Clerk of Orphans' Court for Orphans' court matters like adoptions, etc.). See Pa.R.J.A. 1990(d)(2).

   a. An Application or attorney *praecipe* shall be filed at the same time as or after the commencement of the legal action, **not before**. See Pa.R.J.A. 1990(d)(1).

   b. If you begin your litigation by filing a Writ of Summons **and** submit an Application to Waive Fees and Costs, you **must** file a Complaint before the Court will decide your Application to Waive Fees and Costs. See Pa.R.Civ.P. 240(b)(1). If you have not filed a Complaint within **90 days** of the Application's filing date, the Court **may** deny your Application to Waive Fees and Costs. See Pa.R.Civ.P. 240(b)(2)(emphasis added).

   c. You are **not** required to serve a copy of your Application on other parties to the litigation. See Comment, Pa.R.J.A. 1990.

4. The Court will review your application and provide you with a written decision.

   a. If you are deemed eligible for a waiver, the Court **shall** grant your application without a hearing. See Pa.R.J.A. 1990(e)(1).

   b. If your Application is **denied** by the Court, you must pay your filing fees within **30 days** of receiving the Court Order denying your Application, or your action may be **terminated** by the Filing Office. See Pa.R.J.A. 1990(e)(6)(ii); see also Pa.R.J.A. 1990(f)(2)(Notice. Termination. Reinstatement);

or

c. If your Application is **denied** by the Court, you may **appeal** the decision. See Comment, Pa.R.J.A. 1990 ("An order denying an application that puts a party "out of court" is a final, appealable order. See Grant v. Blaine, 868 A.2d 400 (Pa. 2005). An appeal of magisterial district judge's denial of an application should proceed in accordance with Pa.R.Civ.P.M.D.J. 1016-1020. All other appeals should proceed in accordance with Pa.R.A.P. 1614 (petition for specialized review)").

5. A party may re-apply for a waiver (file a new Application) if their financial circumstances change throughout the litigation.

6. A party or Attorney receiving a waiver of fees and costs has a **continuing obligation** to inform the Court of an improvement in the party's financial circumstances that would enable the party to pay any waived fees and costs. See Pa.R.J.A. 1990(h)(1). Please keep in mind, the Court may vacate its order granting an application if the Court later finds the application or supplemental information was materially inaccurate or the party is able to pay the fees and costs. See Pa.R.J.A. 1990(e)(5).

7. Once fees and/or costs have been paid to the Filing Office, those fees and/or costs **cannot be refunded**. See Pa.R.J.A. 1990(d)(4).

* This **Self Help** document is intended to provide information about seeking a waiver of fees and costs pursuant to Pa.R.J.A. 1990. See Pa.R.J.A. 1990(b). This Self Help is not intended to be legal advice, and the Filing Offices are also not permitted to provide you with legal advice about your case. Please seek the assistance of a licensed attorney for any questions or concerns you may have about your specific case and/or circumstances.