

POOR PERSON STATUS / WAIVER OF FILING FEES:

The State of New York recognizes that some individuals may lack the financial resources needed to pay the filing fees and court costs associated with filing for an uncontested divorce. The law permits an application for poor person status, thus relieving the person of the obligation to pay those fees, costs and expenses required. You will not be allowed an exemption from the obligation to pay merely because your circumstances are difficult. Rather, you must fill out an affidavit that indicates you are unable to pay the fees and costs associated with the lawsuit and as such will not be able to proceed in the absence of an order granting an exemption.

To request poor person status, you must fill out the Affidavit in Support of Application to Proceed as a Poor Person and the Poor Person Order and file these papers with the County Clerk's Office when you file the summons with notice *or* summons and verified complaint. Before you file the papers, check with the County Clerk's Office to see if any additional papers are needed to obtain poor person status.

Before filing a Poor Person application with the County Clerk's Office, be sure to make and retain copies of the papers. You must serve a copy of each set of papers upon the County Attorney (outside of New York City) or Corporation Counsel (within the City of New York) and your spouse or his/her attorney. You may serve these papers by mail.

D. AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED AS A POOR PERSON:

Field 1: Insert the county in which this action is brought.

Field 2: Print the Plaintiff's name.

Field 3: Insert the index number.

Field 4: Print the Defendant's name.

Field 5: Insert the county in which the Plaintiff signed this document.

Field 6: Insert the Plaintiff's name.

Field 7: Fill in the address of Plaintiff, the village where the Plaintiff resides and the county where the Plaintiff resides. In addition, indicate the number of years that the Plaintiff resided in New York State.

Field 8: Fill in the appropriate subdivision number and the grounds for divorce as indicated at the end of the form.

Field 9: Plaintiff must list all sources of income including any amounts earned on a weekly, monthly or yearly basis and submit proof. For example, Plaintiff may attach a pay stub, W-2 form or social services identification.

Field 10: Plaintiff must list any property that he or she has and the value of this property. This must include bank accounts and the amounts in those bank accounts.

Field 11: Leave this section unchanged.

Field 12: Leave this section unchanged.

Field 13: Indicate whether prior requests were made for similar relief.

Field 14: Plaintiff must sign this document before a notary public.