

## POVERTY AFFIDAVIT

If you are financially unable (not just reluctant) to pay the filing fee, you may file an Affidavit of Indigence asking the Court to relieve you from paying the fee.

The request is not automatically granted by the judge. You will be asked questions to help with the evaluation of your request. You may also be required to show proof of your income and your bills. Please attach a copy of documents that verify your income, such as pay stubs or unemployment checks.

You must present to the Court a completed and signed original of the action (complaint, name change, etc.) that you are asking the Court to allow you to file without paying a filing fee.

### **Official Code of Georgia Annotated:**

#### **§9-1 5-2. Affidavit of indigence; effect; how contested; finality of court's judgment; inquiry on court's own motion; order to pay costs; effect on merits; procedure when filing party not represented by counsel.**

##### Statute text

(a) (1) When any party, plaintiff or defendant, in any action or proceeding held in any court in this state is unable to pay any deposit, fee, or other cost which is normally required in the court, if the party shall subscribe an affidavit to the effect that because of his indigence he is unable to pay the costs, the party shall be relieved from paying the costs and his rights shall be the same as if he had paid the costs.

(2) Any other party at interest or his agent or attorney may contest the truth of an affidavit of indigence by verifying affirmatively under oath that the same is untrue. The issue thereby formed shall be heard and determined by the court, under the rules of the court. The judgment of the court on all issues of fact concerning the ability of a party to pay costs or give bond shall be final.

(b) In the absence of a traverse affidavit contesting the truth of an affidavit of indigence, the court may inquire into the truth of the affidavit of indigence. After a hearing, the court may order the costs to be paid if it finds that the deposit, fee, or other costs can be paid and, if the costs are not paid within the time permitted in such order, may deny the relief sought.

(c) The adjudication of the issue of indigence shall not affect a decision on the merits of the pending action.

(d) When a civil action is presented for filing under this Code section by a party who is not represented by an attorney, the clerk of court shall not file the matter but shall present the complaint or other initial pleading to a judge of the court. The judge shall review the pleading and, if the judge determines that the pleading shows on its face such a complete absence of any justiciable issue of law or fact that it cannot be reasonably believed that the court could grant any relief against any party named in the pleading, then the judge shall enter an order denying filing of the pleading. If the judge does not so find, then the judge shall enter an order allowing filing and shall return the pleading to the clerk for filing as in other cases. An order denying filing shall be appealable in the same manner as an order dismissing an action.

##### History

(Ga. L. 1955, p. 584, §§ 1, 2; Ga. L. 1982, p. 933, § 1; Ga. L. 1983, p. 3, § 7; Ga. L. 1984, p. 22, § 9; Ga. L. 1985, p. 1256, § 1.)

**IN THE SUPERIOR COURT OF CLAYTON COUNTY  
STATE OF GEORGIA**

In re the Family of:

Petitioner: \_\_\_\_\_

and

Respondent: \_\_\_\_\_

Civil Action File No: \_\_\_\_\_

**POVERTY AFFIDAVIT**

Comes now \_\_\_\_\_, the Petitioner in the above styled  
\_\_\_\_\_ (name of petition), being first duly sworn,  
deposes and says:

1. That I, by reason of my poverty, am unable to pay the cost required by O.C.G.A. §15-6-77 to file a civil case, in the Courts of Clayton County.
2. That I am \_\_\_\_\_ years of age, and my monthly household income is \_\_\_\_\_. A copy of my last two pay stubs/unemployment checks is attached.
3. That I live at \_\_\_\_\_, and pay \_\_\_\_\_ per month as rent.
4. My household consists of \_\_\_\_\_ number of people.
5. That I pay the following bills each month:

<u>Name of Bill</u>	<u>Amount of Bill</u>
_____	_____
_____	_____
_____	_____
_____	_____

6. That I hereby request that I be able to proceed in this action without having to pay filing fees and associated costs.

This the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Sign your name here in front of the Notary or Judge )

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: (     ) \_\_\_\_\_

Sworn to and subscribed before me, this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC/JUDGE My Commission Expires: (Notary Seal)

**IN THE SUPERIOR COURT OF CLAYTON COUNTY  
STATE OF GEORGIA**

In re the Family of:

Petitioner: \_\_\_\_\_

and

Respondent: \_\_\_\_\_

Civil Action File No: \_\_\_\_\_

**ORDER**

This Court, having considered the Petitioner's request to file a

\_\_\_\_\_  
(type or name of petition) **in forma pauperis**, hereby grants the request.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge  
Superior Court of Clayton County