

To A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Title: Can't Afford Court Fees?

Chapter Headings:

Pre-Payment Waivers
Automatic Waivers
Discretionary Waivers
Final Waivers
Let's Review

In this video, we'll talk about fee waivers in the trial courts. First, we'll explain what prepayment waivers are and then, we'll identify the two types that are available. We will also talk about final waivers and the paperwork you'll need to fill out to request one. This video does not talk about waivers of appeal costs. If you have an appeal case, please view the video titled, "Can't Afford Appellate Costs?"

To get started, Let's talk about Pre-payment waivers.

Chapter Heading: Pre-Payment Waivers

First, Let's explain what these are. Before the court can open your case, you must pre-pay a court filing fee. That means you pay the fee "up front" before your case can begin. Usually, that fee is collected by a clerk at the same time you file your complaint or legal document.

If you cannot afford to pay the fee, you may ask the court to waive it at the beginning of your case. Remember, this waiver only removes the requirement that you **prepay** the fee up front. It will be due at the end of your case unless the court orders otherwise. We'll talk about how to waive those final fees later.

For now, let's discuss how you know if you qualify for a prepayment fee waiver.

There are two **types** of prepayment waivers. The first is an automatic fee waiver. This type applies if you are a client of an approved legal aid organization. The second type is a discretionary fee waiver. This is available if you are low income and don't have a lawyer, or if your lawyer is not with an approved legal aid organization.

First, let's focus on automatic waivers

Chapter Heading: Automatic Waivers

If you are being represented by a lawyer with one of Maryland's civil legal aid groups, you may qualify for an automatic fee waiver. This means the clerk of the court can accept your papers for filing without the fee, and without a judge reviewing your request. You will also qualify for an automatic fee waiver if your lawyer was provided by Maryland Legal Aid, or the Office of the Public Defender. Your lawyer will include a statement along with your court papers noting that your case is eligible for the waiver.

There are also discretionary waivers.

Chapter Heading: Discretionary waivers

Even if you don't qualify for an automatic waiver, you may still qualify for a discretionary waiver. Discretionary waivers are granted by a judge, not the clerk. Complete the Request for Waiver of Prepaid Costs Form CC-DC-089 and give it to the clerk with the papers you need to file. If you have a lawyer, they must sign the form to certify that there are grounds to support your request. The form contains restricted financial information. For this reason, you should also complete and attach a Notice Regarding Restricted Information. This is form MDJ-008. No fee is required at this time.

Next, a judge will review your request. They will consider whether your family income qualifies under the current income guidelines used by the court. The judge may also consider any other factors that may impact your ability to pay the prepaid costs. Once the judge decides whether to grant your request for a waiver, a copy of the order will be mailed to you. If your request is granted, the clerk's office will accept your filing. Your case will begin.

If your request is denied, follow the instructions on the order to pay the fee. You will have 10 days to make the payment so your case can begin. If you do not pay, the court will consider your case to be withdrawn and will take no further action.

Now, let's talk about final waivers

Chapter Heading: Final Waivers

Final waivers address fees you may have to pay after your court case is over. Remember, if you received a prepayment waiver, these costs are still due. A judge can require each party to pay a part of the costs or require one of you to pay all of the costs. At the end of the case, the judge will decide whether you or the other person should pay court costs and fees.

If the judge orders you to pay some or all of the costs, and you cannot afford it, you may ask the court for a final waiver. Unlike the prepayment waiver, only a judge can waive payment of final fees.

Complete and file a Request for Final Waiver of Open Costs, Form CC-DC-090. These forms also require that you complete and attach a Notice Regarding Restricted Information, form MDJ-008. File the waiver and notice with the Court and provide a copy to the other party or that person's lawyer. If you received a prepayment waiver, check the box indicating that the court waived the prepaid costs and there has been no significant change to your finances. If you did not receive a prepayment waiver, complete the Affidavit on the form.

You can file the Request for Final Waiver of Open Costs and the supporting documents with the clerk. Or, you may be able to submit the request in open court on the day of your hearing. The judge will rule on your request and issue an order. If the ruling is not made in open court, a copy of the order will be mailed to you.

Let's review.

Chapter Heading: Let's Review

Remember, there are two types of fee waivers in the trial courts. The first type is a prepayment waiver, which must be decided before your case can begin. A clerk will automatically waive "up front" fees if you have a lawyer from an authorized legal service program. A judge can grant a discretionary prepayment waiver if your income falls below a certain level. The second type is a final waiver, which is

decided by a judge at the conclusion of your court case. Download forms and read more about filing fee waivers at mdcourts.gov/feewaiver. Thanks for watching. I hope this information has been helpful.