

Instructions for Affidavit of Indigency Form (Waiver of Filing Fees and Order)

An Affidavit for Indigency is a request to the Court asking it not to charge you the fee for filing a divorce and to direct the Sheriff not to charge you for service of process. The affidavit is a statement that you are making to the Judge explaining your financial situation and help the Judge decide whether to waive the fees in your case. You are telling the Judge that **you cannot afford** to pay the filing fee and the service of process fee.

- Complete the caption at the top of the Affidavit.
- Read paragraphs 1 and 2. You do not need to fill in anything in these paragraphs, but you must agree with what they say.
- Fill in the blanks for paragraphs 3-8. You may want to have a copy of your last tax return to help you. **If you do not know an answer then place a question mark (“?”) in the blank.** If you **know for certain** that you don't have or receive the item in a paragraph then enter a zero (“0”).
- Fill in the blanks for sections I, II, and III. If you don't have something listed in those sections enter a zero (“0”).
- Make a photocopy of the Affidavit for you own records and file the original with the Clerk of Courts.
- **You must sign and date the Affidavit in the presence of a notary public or clerk of court. Make sure to bring identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

DO NOT FILL OUT ANYTHING ON THE ORDER WAIVING FEES! THIS IS FOR THE JUDGE TO FILL OUT. GIVE BOTH THE COMPLETED AND SIGNED AFFIDAVIT AND THE BLANK ORDER TO THE CLERK OF COURTS WHEN YOU FILE YOUR DIVORCE.

E. AUTOMOBILE(S) - make, model, & year:

_____ \$ _____

F. HOUSEHOLD GOODS (Furniture, appliances, TV, stereo, etc.) \$ _____

G. OTHER PERSONAL PROPERTY (Tools, sports equipment, etc.) \$ _____

H. ANY OTHER ASSETS (Anything else I could sell or borrow money on) \$ _____

TOTAL ASSETS \$ _____

II. LIABILITIES (Money that I owe):

A. REGULAR MONTHLY EXPENSES: (Housing, utilities, food, etc.) \$ _____

B. LOANS: Amounts owed to:

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

TOTAL LIABILITIES \$ _____

III. ANTICIPATED INCOME (Money or property

I expect to receive from sale of house or land,

alimony, gifts, inheritances, allotments,

trust funds, lease money, etc.) \$ _____

WHEREFORE, based upon the foregoing statements and allegations, I respectfully request that the Court enter its Order to waive payment of the filing fee and the fees for service of process upon the Defendant in this matter, pursuant to SDCL 16-2-29.2.

Dated this _____ day of _____, 20__.

Plaintiff

Name: (Printed) _____

Address: _____

City/State/Zip: _____

Telephone: (_____) _____

Subscribed and sworn to before me this _____ day of _____,
20__.

Notary Public/Clerk of Courts

If Notary, my commission expires:

(SEAL)