

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

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 your 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.

GIVE THE COMPLETED AND SIGNED AFFIDAVIT TO THE CLERK OF COURTS WHEN YOU FILE YOUR DIVORCE.

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

Plaintiff,

DIV _____

VS.

AFFIDAVIT OF INDIGENCY

_____,
Defendant

Comes now the Plaintiff named above, and after first being duly sworn on oath states and alleges as follows:

1. I am the Plaintiff named above; and I make this affidavit pursuant to and in accordance with SDCL 16-2-29.2 and 16-2-29.3 for the purposes of supporting my request to waive the filing fee in my action for divorce.

2. I do solemnly swear that I am **unable to pay the filing fee and the service of process fee** of the legal proceedings which I am about to commence for the following reasons; and that I verily believe I am justly entitled to the relief sought by such legal proceedings.

3. I am (check one): _____ Employed _____ Unemployed
_____ Self-employed.

4. If employed, my weekly take-home pay is \$_____.

5. Retirement, disability, or insurance benefits: \$_____ per _____.

6. Total income before deductions for 20____ was \$_____ (prior).

7. Total income before deductions for 20____ is \$_____ (current).

8. Including myself, I have the following number of dependents: _____.

9. The following amounts accurately represent my assets and liabilities:

I. ASSETS (Things I own or am buying):

A. CASH (on hand or in banks) \$ _____

B. ACCOUNTS AND NOTES RECEIVABLE
(IOUs and other money payable to me) \$ _____

C. INVESTMENTS (Stock, bonds, savings bonds, etc.) \$

D. REAL ESTATE (Houses, land, tribal lease land, real property, etc.) \$

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. If this Application for Indigent Waiver of Filing Fee is denied by the judge, you must pay the filing fee in order to proceed with the case. If the filing fee isn't paid within 30 days, your case will be dismissed.

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)