

**INSTRUCTIONS FOR FILLING OUT A PETITION TO SUE OR DEFEND
AS A POOR PERSON – LEE COUNTY**

Purpose

The purpose of the Petition to Sue or Defend as a Poor Person is to waive the court filing fees. You can qualify to waive the filing fees if your income is 125% or less of the federal poverty level, you are receiving certain public benefits, or payment of the filing fees would be a “substantial hardship” for you and your family, as decided by the court.

What You Have to Do

You must complete the form entitled “APPLICATION TO SUE OR DEFEND AS AN INDIGENT PERSON” and file it with the Clerk of the Court for Lee County. Much of the work has been done for you. However, each blank on the form calls for information about you and your case. Make sure the information you put in the blanks is true and accurate. (NOTE: This form is may be completed within Adobe Acrobat Reader or filled in by hand).

How to Complete the Application

Print the form from your computer and fill it in using a pen or a typewriter, or fill in the form through Adobe Acrobat (*Please realize that the information is not transmitted through the computer or the internet – **It must be mailed in as a hardcopy no matter which method of completion you use***). Follow the instructions below to fill out the form.

- 1) At the top of the form, if you are the party bringing the case to court, fill in your name on the line labeled “PLAINTIFF / PETITIONER.” If you are not the party bringing the case, fill in the name of the other party on this line.
- 2) Fill in the case number on the line above “CASE NUMBER”, but only if you have actually been given a case number; otherwise, leave it blank.
- 3) If you are not the party bringing the case to court, fill in your name on the line labeled “DEFENDANT / RESPONDENT”. If you are the party bringing the case to court, fill in the name of the other party on this line.
- 4) Fill in your name after “I,”
- 5) If you are filing this form for yourself (you are either the Plaintiff/Petitioner or Defendant/Respondent), check the box labeled “On my own behalf.”
- 6) If you are filing for someone else, check the box labeled “Parent” or “Guardian” depending on your relationship to the person for whom you are filing. If you are neither the parent nor guardian of that person, check the box labeled “Other.”
 - a. If you checked the box labeled “Other,” insert your relationship to the person for whom you are bringing the case after the word “Other.” After “on behalf of” insert the name of the person for whom you’re bringing the case.
- 7) If you are filing for someone else, check the box labeled “Minor” or “Incompetent Adult” depending for whom you are filing.
- 8) In #1, fill in your current job title and employer.
 - a. In #1.A., Fill in your spouse’s employment information, too, if (s)he contributes to your income in any way.
- 9) In #1.B., fill in any other type of income or assistance that you are receiving; if the agency is not listed, you must fill in the agency name after the “Other” indicator.
- 10) In #2, fill in the total family income from all sources for the prior year and the current year.
- 11) In #3, fill in the names of any people who depend on you for support, their ages, as well as your relationship to each person. (For example, “My son, Richard Anderson, age 8, and my daughter, Kelly Anderson, age 12”). Be sure to list any child support that you are obligated to pay and the amount.

- 12) In #4, list the total monthly expenses for which you are responsible, excluding payment of debts and child support.
 - 13) In #5(A), list any real estate that you own with its location and current market value (what could you sell it for today).
 - 14) In #5(B), list the total value of your personal property (including clothes, furniture and the like; *be sure to list any and all motor vehicles*). (NOTE: This is the current market value meaning what you could sell that property for today).
 - 15) In #5, after "Personal:" list any personal property, such as a car, clothes or furniture that you own. Fill in the amount that each type of property is worth. Your property is worth the amount you could sell it for, not what you paid for it.
 - 16) In #6, check the appropriate box as to whether your income is 125% or less of the current poverty level as established by the U.S. Dept. of Health and Human Services (*See attached schedule*).
 - 17) In #7, check the appropriate box as to whether you are eligible or not for civil legal services. If you do not know, simply check, "I don't know".
 - 18) Thoroughly read #8 and #9.
 - 19) **DO NOT SIGN** the form *until* you can sign it in front of the Circuit Clerk or a Notary Public. ***When you do decide to sign the Application, be certain you have read the entire Application and preceding statement above your signature line. Sign only if you know all of the information is true, accurate, and correct.***
 - 20) On the bottom left, fill in your name, address, and phone number.
 - 21) **IMPORTANT:** *Do not fill in the Bottom Right Space or the Top Right Space. Those areas are reserved for either the judge, circuit clerk, and/or notary public.*
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Annual Guidelines - Federal Poverty Level

<u>Family Size</u>	<u>125%</u>
1	12,762.50
2	17,112.50
3	21,462.50
4	25,812.50
5	30,162.50
6	34,512.50
7	38,862.50
8	43,212.50