

PROCEDURE ----APPLYING FOR FREE PROCESS

(Waiver of Filing Fee for CIVIL Cases)

1. APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

A. *Caption.* Type or print legibly the caption in the following format:

(Your Name),
Plaintiff,

vs.

(The person you are suing),
Defendant.

B. *Fill in all blanks* completely and accurately.

C. ***Notarized Signature Required!*** Sign your name on the signature block on the last page *before a notary. Complete address and phone number also required!* If no phone, write "NONE." Notary service is available in the Clerk's Office, Room 119 of the District courthouse, but you can also go to any available notary public. You must have picture identification with you.

2. ORDER ON APPLICATION FOR FREE PROCESS_

A. *Caption Only.* Type or print legibly the caption as you did on the Application.

B. ***DO NOT WRITE ANYTHING ELSE.*** The judge will fill in the rest of the Order.

3. ***IF YOU ARE REPRESENTED BY AN ATTORNEY IN THIS CASE:***

Have your attorney fill out ATTORNEY'S AFFIDAVIT SUPPORTING INDIGENCY. *If you are not represented by an attorney DO NOT submit this form.*

4. SUBMIT TO JUDGE ASSIGNED TO FREE PROCESS APPLICATIONS: Attach these completed forms to the Complaint you wish to file, then take them to Judge _____ (ask the Clerk's Office or Self Help Center for the name of the Judge assigned to review Free Process papers for the month). Ask the judge's office when you might check back to see if the judge has reviewed your Application.

5. *If your Free Process Application has been approved, you may file it with your Complaint in the Clerk's Office on the First Floor, Room 119. **Be sure to carefully read your Free Process Order!** NOTE: Free Process does not mean that your entire case is free! Even if the judge waives your filing fee, you might still be responsible to pay for service of process and other court fees. Although Free Process might include service fees by the sheriff within Bernalillo County, YOU are responsible for arranging for service. Other costs normally not covered by Free Process are listed at the bottom of the Order.*

6. *If the judge did not grant Free Process, you must pay the filing fee of \$132.00 cash.*