

Will I Have to Pay to File My Case?

When you file your Petition and Civil Case Information Sheet at the clerk's office, you will have to pay filing fees unless you show that you cannot afford the fees. This Guide explains filing fees and the process for showing the judge that you cannot afford to pay them if your request not to pay the fees is challenged.

- 1) **Filing Fees are Different.** When you take your Petition to the clerk's office, the clerk will tell you how much the filing fee is. You can also check on the clerk's website for a listing of the filing fees. Filing fees are different for each kind of case and each county.
- 2) **What to Do if You Cannot Afford to Pay Filing Fees.**
 - **Affidavit of Indigency.** If you are poor, receiving public benefits, or believe you cannot afford to pay the filing fees, you can file an Affidavit of Indigency with the clerk (also called an Affidavit of Inability to Pay Court Costs or a Pauper's Oath). The form tells how much money you have and asks that you be allowed to continue with your case without paying the filing fees. Affidavit of Indigency forms are available on the TexasLawHelp website.
 - **Sign the Affidavit in front of a notary public.** When you fill out the form, do not sign it until you are in front of a notary public. If you do not know where to find a notary public in your town, go online or look in the telephone book business pages under the heading "Notary Public." When you sign the form, you are swearing that the information you have put in the form is true.
 - **Hearing on the Affidavit.** Your Affidavit might be opposed or challenged. If so, you will need to prove in a hearing before the judge that the information about your finances in the Affidavit is true. At that hearing, you will have to present evidence to the judge about your income and expenses to prove that you are not able to pay court fees. The court may or may not approve your request not to pay filing fees.