

MOTION TO PROCEED IN FORMA PAUPERIS

BATON ROUGE CITY COURT

CITY OF BATON ROUGE

ATTENTION

C.C.P. Article 5181 provides that an individual who is unable to pay the costs of court because of his poverty and lack of means may prosecute or defend a judicial proceeding in any trial or appellate court without paying the costs **in advance or as they accrue** or furnishing security therefore.

A person who wishes to exercise this privilege shall apply to the court for permission to do so in his first pleading, or in an ex parte written motion if requested later. This motion must be in compliance with C.C.P. Article 5183; therefore, as a courtesy, Baton Rouge City Court provides the proper forms for your use.

It should be noted that the Clerk's Office is responsible for keeping an account of all costs incurred by the indigent party. At the appropriate time, the Court will determine which party (plaintiff or defendant) shall be responsible for the payment of the court costs incurred by the indigent party. If judgment is rendered in favor of the indigent party, the party against whom the judgment is rendered is normally responsible for payment of all costs due the Clerk. If judgment is rendered against the indigent party then you will be responsible for the payment of all court costs due to the Clerk's Office. Therefore, the granting of this type of motion **does not** mean that you will not be deemed responsible for payment of all court costs incurred by you.

The Clerk's Office seeks to be helpful; however, it cannot provide legal advice. If you believe legal advice is necessary, you must contact a lawyer to provide this service.

**JUDGES AND COURT/CLERK PERSONNEL ARE NOT PERMITTED TO GIVE
LEGAL ADVICE.**

PLAINTIFF

VS.

DEFENDANT

SUIT NO: _____

BATON ROUGE CITY COURT

CITY OF BATON ROUGE

STATE OF LOUISIANA

MOTION TO PROCEED IN FORMA PAUPERIS

Mover, _____, is a citizen of the State of Louisiana and desires to avail (himself) (herself) of the benefits provided by law, in particular the Louisiana Code of Civil Procedure, Articles 5181-5188, as amended, and requests leave of this Court to proceed "in forma pauperis".

Mover further alleges that (he) (she) is without means to pay costs in this litigation, either in advance or as they accrue, or to furnish security therefor. See attached fact sheet.

Wherefore, Mover prays that the Court allow (him) (her) to proceed "in forma pauperis", as provided by the laws of the State of Louisiana.

SUBMITTED BY:

(Name) _____

(Address) _____

(City,State,Zip) _____

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, personally came and appeared _____,

Mover's Name (Please Print)

who, being duly sworn, did depose and say that (he) (she) is unable, because of (his) (her) poverty and want of means, to pay costs in advance or as they accrue or to furnish security therefor.

MOVER (Signature)

To be signed in the presence of the Notary.

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 20____ at Baton Rouge, Louisiana.

NOTARY PUBLIC

Notary/Print Name: _____

Notary No.: _____

FACTS CONCERNING MOVER

1.	Mover's Full Name: _____ SS#	
	Street Address: _____	
	City: _____	State _____ Zip _____
	Home Phone No.: _____	
	Birth Date: _____	Place of Birth _____
2.	Marital Status: (Check one)	
	Single: _____	Married: _____
	Separated: _____	Divorced: _____
	Widowed: _____	
3.	(If currently employed, supply the following information)	
	Your Employer : _____	
	Street Address: _____	
	City: _____	State _____ Zip _____
	Employer Phone : _____	Length of Employment _____
	Your Wages: _____	Weekly \$ _____ Monthly \$ _____
4.	(If married and living with spouse, supply the following information)	
	Spouse's Name: _____	
	Spouse's Employer: _____	
	Street Address: _____	
	City: _____	State _____ Zip _____
	Employer Phone : _____	Length of Employment _____
	Spouse's Wages: _____	Weekly \$ _____ Monthly \$ _____
5.	(If buying your home, state the location, value and balance owed)	
	Home Street Address: _____	
	City: _____	State _____ Zip _____
	Home Value \$ _____	Full Balance Owed \$ _____
6.	(State the Nature and Value of any other <u>LAND(s)</u> in which you own an interest)	
	Property 1: _____	Total Value \$ _____ Monthly Income \$ _____
	Property 2: _____	Total Value \$ _____ Monthly Income \$ _____
	Property 3: _____	Total Value \$ _____ Monthly Income \$ _____

7. Do you own or have an interest in any of the following type assets?

(Mark each Asset Type as appropriate)

Asset Type	NO	YES	Total value (of YOUR interest)	Amount Received Monthly (if you receive an income)
Automobile(s)			\$	
Mobile Home (s)			\$	
Boat(s)			\$	
Livestock			\$	
Machinery			\$	
Stocks			\$	
Bonds			\$	
Certificates of Deposit			\$	
Bank Accounts			\$	
Savings Accounts			\$	

8. Do you have any assets or income not shown above? Yes _____ No _____

(If yes, explain Income source and amount received monthly, or the asset type and total value below)

List the Asset Type or Income Source (If S.S.I., Social Security, etc, state how much)	Total Value (if an asset)	Amount Received Monthly (if an income)
	\$	\$
	\$	\$
	\$	\$
	\$	\$

9. Is anyone dependent upon you for support? Yes _____ No _____

(If yes, state their names, ages, and relationship)

Name of Dependant	Age	Relationship to You

10. Your total Monthly Income (add 3, 4, 6, 7 and 8) \$ _____

11. List any Credit Card debts you may have:

(If not applicable enter N/A or zero)

Name of Credit Card (i.e. Visa, MasterCard, Sears, J.C. Penny, Etc.)	Total Balance Owed	Required Minimum Monthly Payment
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
TOTALS	\$	\$

12. List your MONTHLY living expenses:

(If not applicable enter zero)

Rent or Home Mortgage	\$
Utilities	
Electricity	\$
Water/Sewer	\$
Telephone	\$
Other	\$
Food	\$
Clothing	\$
Laundry	\$
Medical/Dental (not covered by insurance)	\$
Transportation (gasoline, etc.)	\$
Recreation and Entertainment	\$
Charitable Contributions	\$
Insurance	
Homeowners/Renters	\$
Life Insurance	\$
Health Insurance	\$
Auto Insurance	\$
Installment Payments	
Auto Payments	\$
Other Payments	\$
Other Payments	\$
Alimony	\$
Child Support	\$
Total Monthly Living Expenses	\$

13. Monthly income minus monthly expenses (Subtract 11 and 12 from 10) \$ _____

14. Has your attorney explained to you or are you aware that, if you have intentionally given a false answer to any of the above questions, you may have committed a crime that is punishable by incarceration. (R.S. 14:123)

Yes _____ No _____

MOVER (Signature)

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared _____
Mover's Name (Please Print)

_____, who, after being duly sworn, deposed and said (he) (she) is the person who furnished the information contained in the above form; that (he) (she) has signed same; that the information contained therein is true and correct; that this information is being furnished to the Baton Rouge City Court for the purpose of inducing a Judge thereof to permit mover to proceed in the above captioned lawsuit pursuant to La. C.C.P. Article 5181 et. seq.

MOVER (Signature)
To be signed in the presence of the Notary.

SWORN TO AND SUBSCRIBED before me, Notary Public, at Baton Rouge, Louisiana, on this ____ day
of _____, 20 ____.

NOTARY PUBLIC

Notary/Print Name: _____

Notary No.: _____

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared _____,
Acquaintance's Name (Please Print)
who, being duly sworn, deposed and said:

That (he) (she) is fully acquainted with _____, who is the Mover in the
Mover's Name (Please Print)
above captioned matter and knows (his) (her) financial condition, and (he) (she) firmly believes that (he) (she) is unable to pay costs in this cause in advance or as they accrue or to furnish security therefor.

ACQUAINTANCE (Signature)
To be signed in the presence of the Notary.

SWORN TO AND SUBSCRIBED before me, Notary Public, at Baton Rouge, Louisiana, on this ____ day
of _____, 20 ____.

NOTARY PUBLIC

Notary/Print Name: _____

Notary No.: _____

PLAINTIFF

VS.

DEFENDANT

SUIT NO: _____

BATON ROUGE CITY COURT

CITY OF BATON ROUGE

STATE OF LOUISIANA

ORDER

Considering the foregoing Motion, supporting affidavit, and sworn facts , let

_____ be permitted to file all pleadings, appear in, and prosecute or defend this action without prior payment of costs or as they accrue and without giving bond for costs, as provided by the law of the State of Louisiana and, particularly, Louisiana Code of Civil Procedure Article 5181 et seq., as amended.

Baton Rouge, Louisiana, on this _____ day of _____ 20 _____ .

JUDGE, BATON ROUGE CITY COURT, DIV. _____

PLAINTIFF

VS.

DEFENDANT

SUIT NO: _____

BATON ROUGE CITY COURT

CITY OF BATON ROUGE

STATE OF LOUISIANA

ORDER

Considering the foregoing Motion, supporting affidavit, and sworn facts, the request for pauper status is denied, and said petitioner is hereby granted _____ days from the date of the signing of this Order to pay the fees associated with the filing of these pleadings, and, in default thereof, this proceeding to be dismissed without prejudice.

Baton Rouge, Louisiana, on this _____ day of _____ 20 _____ .

JUDGE, BATON ROUGE CITY COURT, DIV. _____