

CAO FW INSTRUCTION 2
FILING A MOTION TO PROCEED ON PARTIAL PAYMENT OF COURT FEES
BY A PRISONER

If you are a prisoner and want to request the waiver of filing fees in a civil proceeding, these instructions will explain the forms you need to file and how the request will be handled.

Under Idaho Code Section 18-101A, a "Prisoner" means a person who has been convicted of a crime in the State of Idaho or who is being detained pursuant to a court order, or who is convicted of and sentenced for a crime in a state other than the state of Idaho, or under the laws of the United States or other foreign jurisdiction, who is being housed in any state, local or private correctional facility.

Step One. If you are a "prisoner" under this definition, your request for a waiver of filing fees must meet all of the requirements of Idaho Code Section 31-3220A. You will need to use the following forms to apply for a fee waiver under this statute:

CAO FW 1-14 Motion and Affidavit for Permission to Proceed on Partial Payment of Court Fees by a Prisoner

CAO FW 1-15 Order on Motion to Proceed on Partial Payment of Court Fees by a Prisoner

- Complete the forms listed above by typing or neatly and legibly printing in black ink. At the top left hand corner of page one, fill in your full current name, your mailing address, any telephone number which can be used to contact you or to leave you a message, and email address if you have one. In the heading, fill in the judicial district and the county where your court case is, or will be filed, in capital letters (for example, "IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT IN AND FOR THE COUNTY OF LATAH"). Fill in the names of the plaintiff and defendant.
- Fill in all information required in the Motion and Affidavit.

Warning: This form has been designed to include all of the information required by Idaho Code Section 31-3220A. If you leave any spaces blank, or fail to provide the required copy of your inmate account, your motion may be denied. Read and follow the instructions which are included in Motion.

- Fill in the top left hand corner of page one on the Order. Complete the caption and names of the parties just as instructed for the Motion. Leave the remaining portions of the proposed order for the judge to complete.

Step Two. File the Motion. Once the two forms are completed as instructed, mail both forms to the clerk of the court in the county where your case is, or will be filed. Include a written request that the Motion be filed and presented to the assigned judge along with the proposed order.

Step Three. Once the judge has made a decision and the Order has been signed, the clerk of the court will mail you a copy at the mailing address you listed in the Motion. Read the Order carefully to understand the judge's ruling and what you will need to do to proceed with your case on the partial payment of court fees if your motion is granted. Contact the court clerk where the order was entered if you need further information about payment of partial fees.