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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4457

02/29/2024 Authored by Feist
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
03/14/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to civil law; allowing the clients of civil legal services and volunteer
1.3 attorneys to proceed without prepayment of fees, costs, and security for costs;
1.4 amending Minnesota Statutes 2022, section 563.01, subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 563.01, subdivision 3, is amended to read:

1.7 Subd. 3. Court fee waiver; authorization of in forma pauperis. (a) Any court of the
1.8 state of Minnesota or any political subdivision thereof may authorize the commencement
1.9 or defense of any civil action, or appeal therein, without prepayment of fees, costs, and
1.10 security for costs by a natural person who makes affidavit stating ~~(a)~~ (1) the nature of the
1.11 action, defense or appeal, ~~(b)~~ (2) a belief that affiant is entitled to redress, and ~~(c)~~ (3) that
1.12 affiant is financially unable to pay the fees, costs and security for costs.

1.13 (b) Upon a finding by the court that the action, defense, or appeal is not of a frivolous
1.14 nature, the court shall allow the person to proceed ~~in forma pauperis~~ without prepayment
1.15 of fees, costs, and security for costs if the affidavit is substantially in the language required
1.16 by this subdivision and is not found by the court to be untrue. Persons ~~meeting~~ presumed
1.17 to meet the requirements of this subdivision include, but are not limited to, a person who
1.18 is receiving public assistance described in section 550.37, subdivision 14, who is represented
1.19 by an attorney on behalf of a civil legal services program or a volunteer attorney program
1.20 based on indigency, or who has an annual income not greater than 125 percent of the poverty
1.21 line established under United States Code, title 42, section 9902(2), except as otherwise
1.22 provided by section 563.02.

2.1 (c) If, at commencement of the action, the court finds that a party does not meet the
2.2 eligibility criteria under paragraph (b), but the court also finds that the party is not able to
2.3 pay all of the fees, costs, and security for costs, the court may order payment of a fee of \$75
2.4 or partial payment of the fees, costs, and security for costs, to be paid as directed by the
2.5 court.

2.6 The court administrator shall transmit any fees or payments to the commissioner of
2.7 management and budget for deposit in the state treasury and credit to the general fund.

2.8 (d) Notwithstanding paragraph (a), a person who is represented by a civil legal services
2.9 program or a volunteer attorney program based on indigency may be allowed to proceed
2.10 without prepayment of fees, costs, and security for costs without additional findings if the
2.11 attorney representing the person submits an affidavit or makes an oral attestation during a
2.12 court proceeding stating that civil legal services or volunteer attorney program services are
2.13 being provided to the client.