

CLARK COUNTY CIVIL LAW RESOURCE CENTER

INSTRUCTIONS FOR PREPARING THE

APPLICATION TO PROCEED IN FORMA PAUPERIS AND ORDER
(Waiver of Costs and Fees under NRS 12.015)

THIS PACKET CONTAINS

INSTRUCTIONS AND SAMPLE FORMS ALONG WITH THE FOLLOWING BLANK DOCUMENTS

1. Application to Proceed In Forma Pauperis
2. Order to Proceed In Forma Pauperis

READ ALL THE MATERIALS CONTAINED IN THIS PACKET BEFORE FILLING IN ANY PORTION OF THE DOCUMENTS. USE BLACK INK AND TYPE OR PRINT CLEARLY WHEN FILLING OUT DOCUMENTS. THE CLERK'S OFFICE WILL NOT ACCEPT DOCUMENTS THAT ARE HARD TO READ.

FOR MORE INFORMATION ON DOCUMENT PREPARATION, READ THE "DOCUMENT PREPARATION PAMPHLET" ON THE COUNTY CLERK'S WEB PAGE ONLINE AT:

www.co.clark.nv.us/clerk/forms.htm

OR PICK UP A COPY AT THE COUNTY CLERK'S OFFICE LOCATED AT THE REGIONAL JUSTICE CENTER, 200 LEWIS AVENUE, 3RD FLOOR, LAS VEGAS, NEVADA.

REVIEW THE CONTENTS OF THIS PACKET BEFORE FILLING OUT ANY OF THE FORMS. YOU MAY NEED TO MAKE ADDITIONAL COPIES OF THE BLANK FORMS BEFORE YOU START.

IMPORTANT
THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE
ADVICE OF A PRIVATE ATTORNEY

The law allows you to represent yourself in a legal action. While there is no requirement that you obtain a lawyer, the legal process is complex and very formal. It is strongly recommended that you have a lawyer to consult with or represent you.

Private Counsel is Always Recommended for Legal Matters.

The information provided in this form packet is offered to assist you in representing yourself in court if you do not have a lawyer. If you represent yourself (appear before the court “pro se” or “pro per”), you must follow the same rules that a lawyer must follow. Law prohibits courthouse employees from giving legal advice.

You are responsible for knowing the law that applies to your case and the rules of the court. This information is contained in the Nevada Revised Statutes and Nevada Rules of Civil Procedure, which are available at the Clark County Law Library. Basic law, court rules, and statutes are also available on the Internet at www.leg.state.nv.us.

When you represent yourself, you are responsible for filing and serving the correct court documents within the required time. You must also make sure that the documents are complete before they are signed and filed. Failure to comply with any of the court requirements may cause you to lose important legal rights.

Additional information is available at the Clark County Webpage on the Internet at www.co.clark.nv.us.

This packet was prepared for educational and information purposes only. It contains general information and is not intended to apply to any specific situation or as legal advice.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

APPLICATION AND ORDER TO PROCEED IN FORMA PAUPERIS
(Waiver of Costs and Fees under NRS 12.015)

If you are unable to pay the costs and fees for filing or defending a civil action, you may ask the court to waive the costs under NRS 12.015. This packet contains blank forms for an application to proceed in forma pauperis and order. You may use this form packet to ask the court to allow you to file your documents without charge.

PREPARING YOUR DOCUMENTS

All papers presented to the court clerk for filing must be flat, unfolded, firmly bound together at the top and on standard quality white paper, 8 1/2 x 11 inches in size. Papers must be two-hole punched at the top. You must stamp or print **“ORIGINAL”** on the top of the first page of each original document in the space between the punched holes. If the document contains more than one page, you must staple the pages together in the upper left corner.

You may use the blank application contained in this packet to request the court to waive the fees and costs of filing your documents. Simply fill in the appropriate information in the space provided; print clearly and use black ink. If you chose to type your own documents use the exact format shown for the blank documents. Use numbered legal pleading paper where indicated.

Application to Proceed In Forma Pauperis

The upper left-hand portion of the application must contain the document code (APPL) followed by your printed or typed name, complete address and telephone number, above the words **“IN PROPER PERSON”** as shown on the sample document.

The case caption — the part of the document that follows the name and location of the court — must appear exactly as shown on the blank document in this packet. Print or type the plaintiffs name in the space provided above the word **“PLAINTIFF.”** Print or type the name of the defendant in the space above the word **“DEFENDANT.”**

If you are the defendant, insert the assigned case number and judicial department in the spaces provided on the right side of the document. If you are the plaintiff, the Clerk’s Office will complete this information when you file your documents.

Print or type your name on the first line of the affidavit. Complete all the blank lines in the application. If the information requested does not apply in your case (you do not have an automobile) write **“NONE”** and show the value and/or loan balance as zero (0). Date and sign the application. By signing the application you are stating that everything contained in that document is true.

Order to Proceed In Forma Pauperis

The order is the document that puts the judge's decision into writing. You are responsible for preparing the court order for the judge's signature. The upper left-hand portion of the order must contain the document code (ORDR) followed by your printed or typed name, complete address, and telephone number above the words "**IN PROPER PERSON**" as shown on the sample document.

The case caption — the part of the document that follows the name and location of the court — must appear exactly as shown on the document provided in this packet. Print or type the plaintiffs name in the space provided above the word "**PLAINTIFF.**" Print or type the names of all other parties to the case in the space above the word "**DEFENDANT.**" If you are the defendant, insert the assigned case number and judicial department in the spaces provided on the right side of the document. If you are the plaintiff, the Clerk's Office will complete this information when you file your documents.

To complete the order provided in this packet, insert the word "**PLAINTIFF**" or "**DEFENDANT**" on the first line in the first and last paragraphs. Insert the word "**PLAINTIFF**" or "**DEFENDANT**" followed by your name in the space provided in paragraphs #1 and #4. The judge will complete the remaining blank lines.

You must sign the order and print or type your name, complete address and telephone number in the space provided at the bottom of the document.

FILING YOUR DOCUMENTS

You will need one original and two copies of the signed application and order. You will also need one original and two copies of the document you want to file. (If the document is a complaint, you will need one original and three copies. You will also need a civil cover sheet.) You must two-hole punch and identify the original documents as described earlier in this packet.

Take all of your documents to the Clerk's Office located on the third floor of the courthouse. At the filing counter, the clerk will take your documents. The Clerk's Office will forward a copy of your documents to the judge. You should keep a copy of the application, order and document you want to file for your records.

After one week, call the Clerk's Office at 671-0708. If the judge has returned your order to proceed in forma pauperis, you will need to go to the Clerk's Office to pick up your paperwork. If the judge has not returned your paperwork, you should contact the judicial department to find out if there is missing information.

If the judge signed your order, the Clerk's Office will automatically file your document. If the judge denied your request to proceed in forma pauperis, you

will need to pay the costs of filing your document. You may pay in cash, by check or money order. You will need personal identification if you are paying by check.

SERVING YOUR DOCUMENTS

When you file your documents, the Clerk's Office will return one "file-stamped" copy of your document to you. If this is the first document filed in the case, the clerk will assign a case number and judicial department. You will use the "file stamped" copy of the document to make copies to serve on the other parties in the case. Keep one copy of the file-stamped documents for your records.

If you are using forms prepared by the Civil Law Resource Center, instructions for serving your documents are included in the forms packet.

If you are not using forms prepared by the Civil Law Resource Center, you can learn how to serve the other parties in the case (service of process) by reading the Nevada Rules of Civil Procedure. These rules are available at any Clark County public library, the Clark County Law Library, or online at:

www.leg.state.nv.us/courtrules/nrcp.html

If the judge approved your application to proceed in forma pauperis, the Order instructs the Sheriffs office to serve your documents without charge. You can call the Sheriffs office at 455-4237 to find out how to begin the process. There are other process servers listed in the yellow pages of the telephone directory that you may use. The Order to Proceed In Forma Pauperis does not require these private process servers to waive their fees.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPL

NAME _____

ADDRESS _____

CITY, STATE, ZIP CODE _____

TELEPHONE _____

IN PROPER PERSON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

)	
	Plaintiff,)	
vs.)	Case No.: _____
)	
)	Dept. No.: _____
	Defendant)	

APPLICATION TO PROCEED INFORMA PAUPERIS
(Filing Fees/Service Only)

Pursuant to NRS 12.015, and based on the following Affidavit, I request permission from this Court to proceed without paying court costs or other costs and fees as provided in NRS 12.015, because I lack sufficient financial ability.

1 _____ \$ _____ \$ _____
2 _____ \$ _____ \$ _____

3 The following represents my total monthly expenses:

4	Rent or Mortgage		\$ _____
5	Phone, Gas, Electricity, and Other Utilities		\$ _____
6	Food		\$ _____
7	Child Care		\$ _____
8	Insurance		\$ _____
9	Medical		\$ _____
10	Transportation		\$ _____
11	Other: Auto Insurance		\$ _____
12	None		\$ _____
13	TOTAL MONTHLY EXPENSES		\$ _____

15 I request the Court hold a hearing on this Application if the Court is inclined to deny
16 same, so that I may testify as to my indigent status. I declare under penalty of perjury
17 that the foregoing is true and correct.

18 _____
19 Signature

1 **APPL**

2 _____
NAME

3 _____
4 ADDRESS

5 _____
CITY, STATE, ZIP CODE

6 _____
TELEPHONE

7 **IN PROPER PERSON**

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11
12)
13) Plaintiff,
14 vs.)

Case No.: _____

14) Dept. No.: _____
15)

15) Defendant)
16 _____

17 **ORDER TO PROCEED IN FORMA PAUPERIS**

18 (Filing Fees/Service Only)

19 Upon consideration of _____'s Application to Proceed in Forma
20 Pauperis and it appearing that there is not sufficient income, property, or resources with
21 which to maintain the action and good cause appearing therefore:

22 **IT IS HEREBY ORDERED,**

23 1. That _____, _____, shall be permitted to proceed In
24 Forma Pauperis with this action as permitted by NRS 12.015.

25 2. That _____ shall proceed without the prepayment costs or
26 fees or the necessity of giving security, and the Clerk of the Court may file or issue any
27 necessary writ, pleading or paper without charge.

28 3. That the Sheriff or other appropriate officer within this State shall make
personal service of any necessary writ, pleading or paper without charge.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. That if the _____, _____, prevails in this action, the Court shall enter an Order pursuant to NRS 12.015 requiring the opposing party to pay into the court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

IT IS HEREBY ORDERD that _____ 's request to waive fees and costs is **DENIED** for the following reason:

A. _____ The Party is not indigent.

B. _____ Other: _____

DATED this _____ day of _____, 20__.

DISTRICT COURT JUDGE

Respectfully submitted by:

Signature

PRINT NAME

ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE

IN PROPER PERSON