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State of Minnesota

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

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 in forma pauperis; amending Minnesota Statutes 2022, section
1.4 563.01, 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. **Authorization of in forma pauperis.** (a) Any court of the state of Minnesota
1.8 or any political subdivision thereof may authorize the commencement or defense of any
1.9 civil action, or appeal therein, without prepayment of fees, costs and security for costs by
1.10 a natural person who makes affidavit stating (a) the nature of the action, defense or appeal,
1.11 (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to pay
1.12 the fees, costs and security for costs.

1.13 (b) Upon a finding by the court that the action is not of a frivolous nature, the court shall
1.14 allow the person to proceed in forma pauperis if the affidavit is substantially in the language
1.15 required by this subdivision and is not found by the court to be untrue. Persons meeting the
1.16 requirements of this subdivision include, but are not limited to, a person who is receiving
1.17 public assistance described in section 550.37, subdivision 14, ~~who is represented by or who~~
1.18 has an annual income not greater than 125 percent of the poverty line established under
1.19 United States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

1.20 (c) Notwithstanding paragraph (b), an attorney representing a client on behalf of a civil
1.21 legal services program or a volunteer attorney program based on indigency, ~~or who has an~~
1.22 ~~annual income not greater than 125 percent of the poverty line established under United~~
1.23 ~~States Code, title 42, section 9902(2), except as otherwise provided by section 563.02 may~~

2.1 submit an affidavit as provided under paragraph (a) and be allowed to proceed in forma
2.2 pauperis without additional findings.

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

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