

563.01 FORMA PAUPERIS PROCEEDINGS; AUTHORIZATION.

Subdivision 1. [Repealed, 1999 c 216 art 7 s 45]

Subd. 2. **Expenses.** Whenever pursuant to this section the court directs expenses to be paid, the expenses shall be paid by the state.

Subd. 3. **Authorization of forma pauperis.** Any court of the state of Minnesota or any political subdivision thereof may authorize the commencement or defense of any civil action, or appeal therein, without prepayment of fees, costs and security for costs by a natural person who makes affidavit stating (a) the nature of the action, defense or appeal, (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to pay the fees, costs and security for costs.

Upon a finding by the court that the action is not of a frivolous nature, the court shall allow the person to proceed in forma pauperis if the affidavit is substantially in the language required by this subdivision and is not found by the court to be untrue. Persons meeting the requirements of this subdivision include, but are not limited to, a person who is receiving public assistance, who is represented by an attorney on behalf of a civil legal services program or a volunteer attorney program based on indigency, or who has an annual income not greater than 125 percent of the poverty line established under United States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

Subd. 4. **Payment of expenses.** Upon order of the court, the court administrator and the sheriff of any Minnesota county shall perform their duties without charge to the person proceeding in forma pauperis. The court shall direct payment of the reasonable expense of service of process pursuant to subdivision 2 if served by a private process server, if the sheriff is unavailable, or by publication.

Subd. 5. **Witness fees.** If the court finds that a witness, including an expert witness, has evidence material and necessary to the case and is within the state of Minnesota, the court shall direct payment of the reasonable expenses incurred in subpoenaing the witness, if necessary, and in paying the fees and costs of the witness.

Subd. 6. **Deposition expenses.** If the court finds that a deposition and transcript thereof are necessary to adequately prepare, present or decide an issue presented by the action, the court shall direct payment of the reasonable expenses incurred in taking the deposition and in obtaining the transcript thereof.

Subd. 7. **Transcript expenses.** If the court finds that a transcript of any part or all of the action is necessary to adequately prepare, present or decide an issue presented by the action, the court shall direct the payment of the reasonable expenses incurred in obtaining the transcript.

Subd. 7a. **Copy costs.** The court administrator shall provide a person who is proceeding in forma pauperis with a copy of the person's court file without charge.

Subd. 8. **Appellate briefs.** In any case on appeal the appellate court shall, upon granting permission to proceed in forma pauperis following application in the manner provided in subdivision 3, direct payment of the reasonable expenses incurred in obtaining the record and reproducing the appellate briefs.

Subd. 9. **Rescinding forma pauperis status.** Upon motion, the court may rescind its permission to proceed in forma pauperis if it finds the allegations of poverty contained in the affidavit are untrue, or if, following commencement of the action, the party becomes able to pay the fees, costs and security for the costs. In such cases, the court may direct the party to pay to the court administrator any costs allowing the action to proceed. The court administrator shall transmit the costs to the commissioner of finance for deposit in the state treasury and credit them to the general fund.

Subd. 10. **Judgment.** Judgment may be rendered for costs at the conclusion of the action as in other cases. In the event any person recovers moneys by either settlement or judgment as a result of commencing or defending an action in forma pauperis, the costs deferred and the expenses directed by the court to be paid under this section shall be included in such moneys and shall be paid directly to the court administrator by the opposing party. The court administrator shall transmit the costs to the commissioner of finance for deposit in the state treasury and credit them to the general fund.

Subd. 11. **Fraud; perjury.** A person who fraudulently invokes the privilege of this section shall be guilty of perjury and shall, upon conviction thereof, be punished as provided in section 609.48.

Subd. 12. **Not supersede other remedies.** The provisions of this section do not replace or supersede remedies otherwise provided by law.

History: 1973 c 205 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 94 s 1; 1990 c 426 art 1 s 53; 1991 c 151 s 1; 1995 c 226 art 6 s 11; 1999 c 216 art 7 s 38-40; 2003 c 112 art 2 s 50; 2007 c 54 art 5 s 16