



STATE OF DELAWARE
THE JUSTICE OF THE PEACE COURT


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POLICY DIRECTIVE 18-258

**TO: ALL JUSTICES OF THE PEACE
ALL JUSTICE OF THE PEACE COURT STAFF**

FROM: ALAN G. DAVIS 
CHIEF MAGISTRATE

RE: FILING FEE WAIVER FOR INDIGENT REPRESENTATION

DATE: SEPTEMBER 19, 2018

Scope:

This Policy Directive concerns the waiver of filing fees for litigants represented by indigent service agencies.

Justice of the Peace Court Policy:

It is the policy of the Justice of the Peace Court to waive filing fees for any filer represented by an indigent service agency such as Community Legal Aid Society, Inc., Delaware Volunteer Legal Services, Inc. and Legal Services Corporation of Delaware.

Policy Directives/Legal Memoranda Affected:

This policy directive is related to PD 07-228 regarding waiver of copying costs for the represented indigent as well as PD 08-232 regarding e-filing and the waiver of technology fees for indigent litigants.

Effective Date:

This policy shall take effect immediately upon issuance and shall continue until further notice.

Discussion:

Indigent service agencies such as Community Legal Aid Society, Inc., Delaware Volunteer Legal Services, Inc. and Legal Services Corporation of Delaware regularly represent civil clients through their poverty programs who are unable financially to cover court costs. Because these clients have qualified for representation under the financial guidelines set forth by the various agencies, they would also qualify for approval of an *in forma pauperis* application at the Court. As such, it is duplicative to ask that the agency prepare the additional paperwork necessary for the *in forma pauperis* filing.

The Justice of the Peace Court shall, effective immediately, waive filing fees for all indigent persons represented by a non-profit organization established for the purpose of such representation. The filing fee shall be waived without the requirement of filing *in forma pauperis* documentation. The organizations to which this applies include, but are not limited to: Community Legal Aid Society, Inc., Legal Services Corporation of Delaware, Inc. and Delaware Volunteer Legal Services, Inc.

There is no doubt that this has been the practice at most Justice of the Peace Court locations for quite some time. However, it is unclear whether all indigent representation agencies were included. This policy directive is intended to make clear that any agency whose purpose is to represent indigent clients may have filing fees waived.

Conclusion:

Effective immediately, the Justice of the Peace Court shall waive filing fees for any filer represented by an indigent service agency such as Community Legal Aid Society, Inc., Delaware Volunteer Legal Services, Inc. and Legal Services Corporation of Delaware.

cc: All Justice of the Peace Court Employees
Honorable Leo E. Strine, Jr
Honorable Andre Bouchard
Honorable Jan Jurden
Honorable Alex J. Smalls
Honorable Michael K. Newell
Amy Quinlan, State Court Administrator
Marianne Kennedy
Jody Huber, Esquire
Mark Hitch
Jill Malloy
Law Libraries: New Castle County, Kent County, Sussex County,
Widener University School of Law