Approved, SCAO

Original – Court
1st copy - Applicant

2nd copy – Friend of the Court
(when applicable)
PROBATE JIS CODE: OSF

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT Oakland COUNTY PROBATE	WAIVER/SUSPENSION OF FEES AND COSTS (AFFIDAVIT AND ORDER)	CASE NO.

Court address
1200 N Telegraph Rd Pontiac, MI 48341

Court telephone no.
(248) 452-8090

Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name
Plaintiff's/Petitioner's attorney and bar no.		Defendant's/Respondent's attorney and bar no.

☐ Probate In the matter of _____

NOTE: Requests for waiver/suspension of transcript costs must be made separately by motion.

AFFIDAVIT

1. I ask the court to waive/suspend fees and costs for the following reason: (check either a or b)
   ☐a. I am currently receiving public assistance: My DHS case number is _____.
   (MCR 2.002[C] requires the court to suspend payment of fees and costs.)

   OR

   ☐b. I am unable to pay fees and costs because of indigency, based on the following facts:
   My average gross income is about $ _____ every ☐ week. ☐ two weeks. ☐ month.
   ☐ I am receiving unemployment benefits.
   ☐ I am not employed.
   ☐ I have a vehicle: Year: _____ Make: _____ Model: _____ Amount Owed: $ _____
   The total amount in all my bank accounts is: $ _____
   Write down any other assets and how much they are worth. If you need more space, attach a separate sheet.

   I pay $ _____ in rent/mortgage every month. I pay $ _____ in utilities (water, electricity, gas) every month. I pay $ _____ for court-ordered child support. I pay $ _____ for court-ordered _____.
   Write down any other obligations and how much you pay. If you need more space, attach a separate sheet. specify

2. The number of people living in the applicant's household is _____.

☐3. I am signing this affidavit for a person who ☐is a minor. ☐has the following disability _____.

_____ _____
Applicant signature Name (type or print)

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy clerk/Register/Notary public

Notary public, State of Michigan, County of _____

ORDER

IT IS ORDERED:

☐1. The applicant has shown by ex parte affidavit that he/she is
   ☐a. receiving public assistance, and payment of fees and costs are waived/suspended pursuant to MCR 2.002(C).
   ☐b. indigent and payment of fees and costs are waived/suspended pursuant to MCR 2.002(D).
   The applicant is required to notify the court if the reason for waiving/suspending the fees and costs no longer exists.

☐2. The applicant is denied.

_____ _____ _____
Date Judge Bar no.

NOTE: This order must be served on the other party at the time the pleading is served.

INSTRUCTIONS FOR USING FORM MC 20, WAIVER/SUSPENSION OF FEES AND COSTS (AFFIDAVIT AND ORDER)

»» CAN I FILE MY LEGAL PAPERS WITH THE COURT FREE OF CHARGE?

When you file a legal paper with the court or are ordered to case evaluation, you are often required to pay certain fees. If you cannot afford these fees, you can ask the court to "waive" or "suspend" them using this form (MC 20).

»» FILING AN AFFIDAVIT

1. Prove That You Cannot Afford to Pay a Filing Fee

or SSI

You must show the court that you cannot afford to pay the fees. If you receive public assistance, you must give the court your DHS case number. If you do not receive public assistance, you must give the court information about your assets and obligations. An asset is something you own, such as money, a car, a house, or other property. An obligation is something you owe, such as rent, a loan payment, utilities, court-ordered child support, etc.

2. Complete Form MC 20

After you prepare the legal papers you want to file with the court, complete form MC 20. Check 1a or 1b.

Check 1a

If you are receiving public assistance, check the box in front of item 1a. Write in your DHS or SSI case number. Public assistance means you are receiving help from the Michigan Department of Human Services and/or are receiving federal ~~social~~ supplemental security income (SSI), which includes Medicaid (a DHS program). It does not include benefits such as veterans assistance (VA benefits) or unemployment. ~~Do not check the box in front of item 1b.~~ Gross income means before any deductions.

OR

Check 1b

If you are not receiving public assistance, check the box in front of item 1b. Check all the boxes that apply to you. If you are not employed, check that box. Write in all the requested information about your assets and obligations.

Complete #2. by stating how many people live in your home (including you)

Do not sign the form until you are in front of a notary public or the clerk of the court.

3. Sign the Affidavit Under Oath

~~After form MC 20 is completed, sign it under oath in front of a notary public or a clerk of the court~~. You must bring your photo identification with you when you sign the affidavit. There may be a fee to have your affidavit signed in front of a notary public.

4. Make Copies

After you have signed the affidavit under oath, make a copy of the completed form for your records. If your court case is a domestic relations case, such as divorce, paternity, separate maintenance, etc., make another copy of the completed form for the friend of the court office. If you are at the court when you sign the affidavit, you can ask the clerk of the court to make copies for you. There may be a cost to make the copies.

5. File Form MC 20

Take or mail the original and all copies of this form (MC 20) to the clerk of the court along with any other legal papers you want to file. If your court case is a domestic relations case, such as divorce, paternity, separate maintenance, etc., include the friend of the court copy you made in step 4. If you mail the form, include a postage-paid envelope with your return address.

»» GETTING A SIGNED ORDER

When you file your affidavit with the court, the clerk of the court will give it to the judge. The judge will make a decision and will sign the order. The clerk of the court will keep the original and return a signed copy to you. The clerk of the court will send a copy to the friend of the court if you filed that copy.

You are responsible for sending a copy of the signed order to the other parties involved in the case.