

**Rule 24. Waiver of Fees, Costs, or Security (In Forma Pauperis).**

(a) In General. The standards governing eligibility for waiver are listed in D.C. Code § 15-712(a).

(b) Appeals from the Superior Court.

(1) Prior Approval. A party who was granted a waiver of court fees, costs, or security in the Superior Court, or who was determined by the Superior Court to be eligible for court-appointed counsel under D.C. Code § 11-2601 et seq. (criminal proceedings) or D.C. Code § 16-2304 (Family Court proceedings), may proceed on appeal without paying fees, costs, or security.

(2) Applications to be Filed in the Superior Court.

(A) Except as stated in Rule 24(b)(1), a party to a proceeding in the Superior Court who seeks to take an appeal without paying fees, costs, or security must file in the Superior Court within the time for filing an appeal:

(i) A notice of appeal containing the information prescribed in Form 1 or Form 2; and

(ii) An application to waive court fees, costs, or security pursuant to Superior Court Rule of Civil Procedure 54-II.

(B) If the Superior Court grants the waiver, the party may proceed on appeal without paying fees, costs, or security.

(C) If the Superior Court denies the waiver in whole or in part, the party may request a hearing under Superior Court Rule of Civil Procedure 54-II(j)(2). If, after the hearing, the Superior Court denies the waiver in whole or in part, the party may file in this court an application to proceed on appeal without paying fees, costs, or security. See Form 7. The application must include the signed declaration contained in Form 7 and:

(i) The notice of appeal and a copy of the application to waive court fees, costs, or security filed in the Superior Court, and the order of the Superior Court stating the reasons for its denial or partial denial; and

(ii) A statement of the reasons the party believes the Superior Court's denial was in error and any additional evidence showing that the party is unable to proceed without substantial hardship to the party or to the party's dependent.

(3) Applications to be Filed in the Court of Appeals. If a party seeks to proceed on appeal without paying fees, costs, or security after having filed a notice of appeal and paid the required fees, the party must file with this court an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7.

(c) Petitions for Review of Agency Decisions. When review of an order or decision in a proceeding before an agency of the District of Columbia proceeds directly to this court, a party may file in this

court, along with the petition for review, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7. The waiver application and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.

(d) Petitions for Extraordinary Writs. A party who files a petition for an extraordinary writ and who seeks to proceed without paying fees, costs, or security must file, along with the petition, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7.

(e) Timing for Deciding Waivers.

(1) Within 5 calendar days after receiving a completed waiver application, the court must decide whether to approve the application. The Clerk, if authorized, may grant waiver applications.

(2) If, within 5 calendar days after receiving a completed application, the court has not ruled on the waiver application, the application will be deemed approved.

(3) The deadlines in Rule 24(e)(1) and (2) do not apply where the court requires additional information under D.C. Code § 15-712(b)(1). See D.C. Code § 15-712(c)(1)(C).

(f) Denial of Waiver Application. If a waiver application is denied by this court, the court shall state the reasons for the denial or partial denial in writing. A party who is denied a waiver in whole or in part may request a hearing on the matter in accordance with D.C. Code § 15-712(c)(3)(A). A hearing under this rule must be held no later than 14 days after the court receives the hearing request. If, after the hearing, the waiver application is denied, the party must pay the required filing fee within the time specified in the final order of denial.

(g) Merits of Appeal or Petition. In considering a waiver application, the court must not consider the merits of the appeal or petition.

(h) Motion for Free Transcripts or Other Documents.

(1) Civil Cases. A party in a civil case who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared and explaining the basis for the motion. See D.C. Code § 15-712(h); Rule 10(b)(5)(A), (C); Super. Ct. Civ. R. 54-II(k). The Superior Court must grant the motion unless the request is frivolous. D.C. Code § 15-712(h). In making this determination, the Superior Court must resolve doubt about the frivolousness of the request in favor of the applicant. The Superior Court may order that only those portions of the transcripts or other documents necessary to resolution of the appeal or petition be provided.

(2) Criminal Cases. In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, D.C. Code § 11-2601 et seq., the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. See Rule 10(b)(5)(B) (outlining applicable

procedures). In any other criminal case, a defendant who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared. Such a motion will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government and will be addressed under the procedures established in Rule 10(b)(5)(B).

(i) Confidentiality

(1) The court must keep confidential an application and any financial information submitted by the applicant pursuant to this rule or Superior Court Rule of Civil Procedure 54-II, except to the court, the litigant, persons authorized by the litigant, or by court order. The application must not be served on the other party.

(2) Motion for Access.

(A) Any person seeking access to an application or any financial information provided to the court by an applicant may file a motion, with notice given to the litigant who filed the application, supported by a declaration showing good cause for why the confidential information should be released to the movant.

(B) Any person who is granted access to the application or any financial information under this rule shall not reveal any information contained in the application, or any financial information, except as otherwise authorized by law or court order.

(3) The court's decision on an application for a waiver shall not be confidential.

(j) Special Rules Governing Appeals Proceeding Without Payment of Fees, Costs, or Security. For rules specially governing appeals proceeding without payment of fees, costs, or security, see Rules 10(b)(5), 11(b)(3), and 30(f).