

## **Rule 24. Proceeding Without Prepayment of Fees and Costs (In Forma Pauperis).**

### **(a) Appeals from the Superior Court.**

(1) **Prior Approval.** A party who was permitted to proceed in forma pauperis 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. (2001) (Criminal proceedings) or D.C. Code § 16-2304 (2001) (Family Court proceedings), may proceed on appeal in forma pauperis without further authorization.

### **(2) Motions to be Filed in the Superior Court.**

(A) Except as stated in Rule 24 (a)(1), a party to a proceeding in the Superior Court who desires to take an appeal without the prepayment of fees 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) A motion and affidavit containing the information prescribed in Form 7a and Form 7b, showing an inability to pay fees and costs or to give security therefor.

(B) If the Superior Court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs.

(C) If the Superior Court denies the motion, that court must issue an order in writing stating the reason for its denial. Within 10 days after entry of the order denying the motion, the party may file in this court a motion to proceed on appeal in forma pauperis. The motion must include:

(i) A copy of the motion, affidavit, and notice of appeal filed in the Superior Court, and any order of the Superior Court stating the reasons for its denial; and

(ii) A statement of the reasons why the party believes the Superior Court's denial was in error. If no affidavit was filed in the Superior Court, the party must include with the motion an affidavit containing the information prescribed in Form 7b.

(3) **Motions to be Filed in the Court of Appeals.** If a party desires to proceed on appeal in forma pauperis after having filed a notice of appeal and paid the required fees, the party must file with this court a motion to proceed in forma pauperis, see Form 7a, and an affidavit containing the information prescribed in Form 7b.

### **(b) Review of Agency Decisions.**

(1) **Petition for Review; Motion and Affidavit.** When review of an order or decision in a proceeding before an agency of the District of Columbia proceeds directly to the Court of Appeals, a party may file in this court, along with the petition for review, a motion to proceed on

appeal in forma pauperis, see Form 7a, and an affidavit containing the information prescribed in Form 7b.

(2) Timing. The motion, affidavit, and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.

(c) Petitions for Extraordinary Writs. A party who files a petition for an extraordinary writ and who desires to proceed in forma pauperis must file, along with the petition, a motion to so proceed, see Form 7a, and an affidavit containing the information prescribed in Form 7b.

(d) Denial of In Forma Pauperis Motions. If a motion to proceed in forma pauperis is denied by this court, the Clerk must notify the parties of the denial, and the petitioner must pay the required filing fee within the time specified in the order of denial.

(e) Special Rules Governing In Forma Pauperis Appeals. For rules specially governing in forma pauperis appeals, see Rules 10 (b)(5), 11 (b)(3), and 30 (f).