

Indiana Rules of Appellate Procedure

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Rule 40. Motion To Proceed *In Forma Pauperis*

A. Appeal From a Trial Court.

- (1) *Prior Authorization by the Trial Court.* A party who has been permitted to proceed in the trial court in *forma pauperis* may proceed on appeal in *forma pauperis* without further authorization from the trial court or Court on Appeal. See Rule 9(E).
- (2) *Motion to the Trial Court.* Any other party in a trial court who desires to proceed on appeal in *forma pauperis* shall file in the trial court a motion for leave to so proceed, together with an affidavit conforming to Forms [#App.R. 40-1](#) and [#App.R. 40-~~1~~2](#), showing in detail the party's inability to pay fees or costs or to give security therefor, the party's belief that the party is entitled to redress, and a statement of the issues the party intends to present on appeal. If the trial court grants the motion, the party may proceed without further motion to the Court on Appeal. If the trial court denies the motion, the trial court shall state in a written order the reasons for the denial.
- (3) *Revocation of Authorization by the Trial Court.* Before or after the Notice of Appeal is filed, the trial court may certify to or find that a party is no longer entitled to proceed *in forma pauperis*. The trial court shall state in a written order the reasons for such certification or finding.
- (4) *Motion to the Court on Appeal.* If the trial court denies a party authorization to proceed in *forma pauperis* the party may file a motion in the Court on Appeal for leave to so proceed within fifteen (15) days of service of the trial court's order. [See Form #App.R. 40-1](#). The motion shall be accompanied by a copy of any affidavit supporting the party's request filed in the trial court. If no affidavit was filed in the trial court or if the affidavit filed in the trial court is no longer accurate, the motion shall be accompanied by an affidavit conforming to Form [#App.R. 40-~~1~~2](#). The motion shall be accompanied by a copy of the order setting forth the trial court's reasons for denying the party in *forma pauperis* status on appeal.

B. Appeal From an Administrative Agency. Any party to a proceeding before an Administrative Agency who desires to proceed in *forma pauperis* on appeal shall file with the Court on Appeal a motion for leave to so proceed, together with an affidavit conforming to Forms [#App.R. 40-1](#) and [#App.R. 40-~~1~~2](#), showing in detail the party's inability to pay fees or costs or to give security therefor, the party's belief that the party is entitled to redress, and a statement of the issues the party intends to present on appeal.

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