

**78A-2-302 Impecunious litigants -- Affidavit.**

- (1) For purposes of Sections 78A-2-302 through 78A-2-309:
  - (a) "Convicted" means a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental illness, no contest, and conviction of any crime or offense.
  - (b) "Prisoner" means a person who has been convicted of a crime and is incarcerated for that crime or is being held in custody for trial or sentencing.
- (2) As provided in this chapter, any person may institute, prosecute, defend, and appeal any cause in any court in this state without prepayment of fees and costs or security, by taking and subscribing, before any officer authorized to administer an oath, an affidavit of impecuniosity demonstrating financial inability to pay fees and costs or give security.
- (3) The affidavit shall contain complete information on the party's:
  - (a) identity and residence;
  - (b) amount of income, including government financial support, alimony, child support;
  - (c) assets owned, including real and personal property;
  - (d) business interests;
  - (e) accounts receivable;
  - (f) securities, checking and savings account balances;
  - (g) debts; and
  - (h) monthly expenses.
- (4) If the party is a prisoner, he shall also disclose the amount of money held in his prisoner trust account at the time the affidavit is executed as provided in Section 78A-2-305.
- (5) In addition to the financial disclosures, the affidavit shall state the following:

I, A B, do solemnly swear or affirm that due to my poverty I am unable to bear the expenses of the action or legal proceedings which I am about to commence or the appeal which I am about to take, and that I believe I am entitled to the relief sought by the action, legal proceedings, or appeal.

Amended by Chapter 366, 2011 General Session