

# Appeals & Appellate Decisions

## **Motions to Proceed *in Forma Pauperis***

### **Appellate Rule 40**

---

**Contact: Greg Pachmayr or Marie Schelonka; email: [clerk@courts.in.gov](mailto:clerk@courts.in.gov)**

---

Once a party has been permitted to proceed in the trial court *in forma pauperis*, they may proceed on appeal without any further authorization. Ind. App. R. 40(A)(1).

Any party that seeks to proceed on appeal *in forma pauperis* must file with the **trial court** a motion and affidavit that substantially conforms to the Forms in Appendix A to the Appellate Rules. See Form #App. R. 40-1 and #App. R. 40-2.

**The trial court must issue an order, even if a Notice of Appeal has been filed.** If the trial court denies the motion, a written order shall state the reasons. App. R. 40(A)(2). Upon a denial by the trial court, a party may file a motion with the Court on Appeal. App. R. 40(A)(4).

Before or after the Notice of Appeal is filed, the trial court may revoke *pauper* status in a written order. App. R. 40(3).