

# **Step 3:**

**Determine if you can pay the filing fees or if you need to apply for a Fee-Waiver**

Note: This form can be found in the Pro Se Missouri Expungement Forms Packet at <https://cmrmo.org/wp-content/uploads/2023/09/Pro-Se-Expungement-Forms-Packet-2023.pdf>


Filing for Expungement in Missouri can be quite expensive. The average cost per expungement is about \$225.

The total amount includes fees for the following:

1. Local Court Filing Fee – Varies County to County  
→ In Jackson County, the local filing fee is \$112.50
2. Service Fees ranging from \$2 - \$100
  - More on this in the next step.

**AVERAGE TOTAL = ~ \$415**

If you cannot afford to pay these fees, you can fill out and submit a Fee-Waiver, a.k.a. a *“Motion and Affidavit in Support of Request to Proceed as a Poor Person.”*

	IN THE _____ JUDICIAL CIRCUIT COURT, _____, MISSOURI																																																												
Judge or Division:	Case Number:																																																												
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vs.																																																													
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I swear/affirm under penalty of perjury that these facts are true to my best knowledge and belief.																																																													
_____	_____																																																												
<small>Date</small>	<small>Your Signature</small>																																																												

First fill out the header of the form just like you did for the Petition. Also include your address and telephone number. In the second row, where it says Respondent, write Missouri State Highway Patrol, et. al. Where it says Respondent Adders write 1510 East Elm, Jefferson City, MO 65101.

IN THE # _____ JUDICIAL CIRCUIT COURT, _____ County Name _____, MISSOURI	
Judge or Division: <b>Leave blank</b>	Case Number: <b>Leave blank</b>
Petitioner: <b>Your Name</b>	Petitioner's Address/Telephone: <b>Your Address and Phone Number</b>
vs.	
Respondent: <b>Missouri State Highway Patrol et al</b>	Respondent's Address/Telephone: <b>1510 East Elm Street                  .Jefferson City MO 65101</b>
(Date File Stamp) _____	
<b>Motion and Affidavit in Support of Request to Proceed As a Poor Person</b>	

Next describe your current marital status: Single, Married, Divorced, etc. If you are married include your spouse's name in the next box over. Also include the number of dependents you currently have.

Motion and Affidavit in Support of Request to Proceed As a Poor Person		
Marital Status:	If Married, Spouse's name:	Number of dependents:
(Include Spouse's Income and Expenses if Married)		

Next describe your MONTHLY income and expenses. You don't have to be exact down to the cent, but you should be as accurate as possible.

A court might be skeptical of information that doesn't appear "real" and thus might deny the Fee-Waiver.

Monthly Income		Monthly Expenses	
Gross salary (before deductions)	\$ _____	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Rent Payment \$ _____
Public assistance	\$ _____	Utilities	\$ _____
Retirement/Pension	\$ _____	Food	\$ _____
Social Security	\$ _____	Payment on debts & credit cards	\$ _____
Child Support	\$ _____	Child Support	\$ _____
Maintenance	\$ _____	Maintenance	\$ _____
Other income to be considered	\$ _____	Medical expenses to be considered	\$ _____
_____		_____	
<b>Total Monthly Income</b>	<b>\$ _____</b>	<b>Total Monthly Expenses</b>	<b>\$ _____</b>

In the next section, fill out your assets and debts. Be sure to include all your debts.

Assets		Debts	
Cash on Hand	\$ _____	Home loan balance	\$ _____
Bank Accounts:		Automobile loan(s)	\$ _____
Checking	\$ _____	Credit card balance(s)	\$ _____
Savings	\$ _____	Other debts to be considered	
Approximate value of home	\$ _____		\$ _____
And/or other real estate	\$ _____		\$ _____
Approximate value of automobile(s)	\$ _____		\$ _____
(1) yr/make _____			\$ _____
(2) yr/make _____			\$ _____
Approximate value of personal Possessions (list)			\$ _____
_____	\$ _____		
_____	\$ _____		
_____	\$ _____		
<b>Total Assets</b>	<b>\$ _____</b>	<b>Total Debts</b>	<b>\$ _____</b>

Lastly, sign and date the Fee-Waiver application. Like with your petition, you are signing under the penalty of perjury.

I swear/affirm under penalty of perjury that these facts are true to my best knowledge and belief.	
_____	_____
Date	Your Signature
<small>OSCA (07-15) GN10</small>	<small>Rule 77.03, Section 514.040 RSMo</small>

Whether a court will grant a Fee-Waiver can be hard to predict. Different Courts make different determinations. Most courts likely consult the federal poverty guidelines in making their determination. Individuals who make 100% or less than Poverty Line are likely to qualify for the Fee-Waiver, but it will ultimately depend on the individuals' overall financial situation.

Below is a sample of the federal poverty guidelines for household MONTHLY income. Note that these numbers are based on the total income of everyone in the *household* and also note that these numbers are based on what the household income is on average each *MONTH*.

<b>Combined Household's MONTHLY Income</b>											
Household / Family Size	25%	50%	100%	125%	130%	133%	135%	138%	150%	175%	200%
1	\$304	\$608	\$1,215	\$1,519	\$1,580	\$1,616	\$1,640	\$1,677	\$1,823	\$2,126	\$2,430
2	\$411	\$822	\$1,643	\$2,054	\$2,136	\$2,186	\$2,219	\$2,268	\$2,465	\$2,876	\$3,287
3	\$518	\$1,036	\$2,072	\$2,590	\$2,693	\$2,755	\$2,797	\$2,859	\$3,108	\$3,625	\$4,143
4	\$625	\$1,250	\$2,500	\$3,125	\$3,250	\$3,325	\$3,375	\$3,450	\$3,750	\$4,375	\$5,000
5	\$732	\$1,464	\$2,928	\$3,660	\$3,807	\$3,895	\$3,953	\$4,041	\$4,393	\$5,125	\$5,857
6	\$839	\$1,678	\$3,357	\$4,196	\$4,364	\$4,464	\$4,532	\$4,632	\$5,035	\$5,874	\$6,713
7	\$946	\$1,893	\$3,785	\$4,731	\$4,921	\$5,034	\$5,110	\$5,223	\$5,678	\$6,624	\$7,570
8	\$1,053	\$2,107	\$4,213	\$5,267	\$5,477	\$5,604	\$5,688	\$5,814	\$6,320	\$7,373	\$8,427
9	\$1,160	\$2,321	\$4,642	\$5,802	\$6,034	\$6,173	\$6,266	\$6,406	\$6,963	\$8,123	\$9,283
10	\$1,268	\$2,535	\$5,070	\$6,338	\$6,591	\$6,743	\$6,845	\$6,997	\$7,605	\$8,873	\$10,140
11	\$1,375	\$2,749	\$5,498	\$6,873	\$7,148	\$7,313	\$7,423	\$7,588	\$8,248	\$9,622	\$10,997
12	\$1,482	\$2,963	\$5,927	\$7,408	\$7,705	\$7,882	\$8,001	\$8,179	\$8,890	\$10,372	\$11,853

To give you a better idea of which Fee-Waiver applications are denied, and which are granted, see these two examples below. All personal information has been removed or anonymized but the numbers and decision to grant/deny are real.

**Example of a GRANTED Fee Waiver Application**



(Date File Stamp)

**Motion and Affidavit in Support of Request to Proceed As a Poor Person**

Marital Status: <b>Divorced</b>	If Married, Spouse's name:	Number of dependents: <b>0</b>
(Include Spouse's Income and Expenses if Married)		
<b>Monthly Income</b>		
Gross salary (before deductions)	\$ <u>0</u>	<b>Monthly Expenses</b>
Public assistance	\$ <u>1,053</u>	<input type="checkbox"/> Mortgage <input checked="" type="checkbox"/> Rent Payment
Retirement/Pension	\$ <u>0</u>	Utilities
Social Security	\$ <u>0</u>	Food
Child Support	\$ <u>0</u>	Payment on debts & credit cards
Maintenance	\$ <u>0</u>	Child Support
Other income to be considered	\$ <u>0</u>	Maintenance
		Medical expenses to be considered
		<u>Life insurance</u>
		<u>Phone &amp; internet</u>
<b>Total Monthly Income</b>	\$ <u>1,053</u>	<b>Total Monthly Expenses</b>
		\$ <u>845.00</u>
<b>Assets</b>		
Cash on Hand	\$ <u>1.90</u>	<b>Debts</b>
Bank Accounts:		Home loan balance
Checking	\$ <u>1.00</u>	Automobile loan(s)
Savings	\$ <u>100.00</u>	Credit card balance(s)
Approximate value of home	\$ <u>5.00</u>	Other debts to be considered
And/or other real estate	\$ <u>0</u>	
Approximate value of automobile(s)	\$ <u>0</u>	
(1) yr/make <u>NONE</u>		
(2) yr/make <u>NONE</u>		
Approximate value of personal Possessions (list)		
<u>NONE</u>	\$ <u>0</u>	
<u>NONE</u>	\$ <u>0</u>	
<u>NONE</u>	\$ <u>0</u>	
<b>Total Assets</b>	\$ <u>107.90</u>	<b>Total Debts</b>
		\$ <u>0</u>

**Example of a DENIED Fee Waiver Application**



(Date File Stamp)

**Motion and Affidavit in Support of Request to Proceed As a Poor Person**

Marital Status: <b>Married</b>	If Married, Spouse's name: <b>James Glass</b>	Number of dependents: <b>3</b>
(Include Spouse's Income and Expenses if Married) → Spouse unable to work due to disability		
<b>Monthly Income</b>		
Gross salary (before deductions)	\$ <u>2300</u>	<b>Monthly Expenses</b>
Public assistance	\$ <u>0</u>	<input type="checkbox"/> Mortgage <input checked="" type="checkbox"/> Rent Payment
Retirement/Pension	\$ <u>0</u>	Utilities
Social Security	\$ <u>0</u>	Food → <u>SNAP</u>
Child Support	\$ <u>500</u>	Payment on debts & credit cards
Maintenance	\$ <u>0</u>	Child Support
Other income to be considered	\$ <u>0</u>	Maintenance
		Medical expenses to be considered
		<u>Medications</u>
<b>Total Monthly Income</b>	\$ <u>2800</u>	<b>Total Monthly Expenses</b>
		\$ <u>2820</u>
<b>Assets</b>		
Cash on Hand	\$ <u>0</u>	<b>Debts</b>
Bank Accounts:		Home loan balance
Checking	\$ <u>0</u>	Automobile loan(s)
Savings	\$ <u>0</u>	Credit card balance(s)
Approximate value of home	\$ <u>0</u>	Other debts to be considered
And/or other real estate	\$ <u>0</u>	<u>Student loans</u>
Approximate value of automobile(s)	\$ <u>0</u>	
(1) yr/make		
(2) yr/make		
Approximate value of personal Possessions (list)		
	\$ <u>0</u>	
	\$ <u>0</u>	
	\$ <u>0</u>	
<b>Total Assets</b>	\$ <u>0</u>	<b>Total Debts</b>
		\$ <u>57,300</u>

Understand that in some situations these same numbers might be handled differently. Each Judge has their own unique way of making the determination. Using the numbers from the example of a granted application in no way guarantees that the judge in your case will similarly grant the waiver. The most important thing is to be honest and give the court a fair and accurate overview of your finances.