

**454.410 Payment of fees and court costs by inmates -- Waiver.**

- (1) When an inmate commences, intervenes, or becomes a party to an action or an appeal of a judgment in a civil action or proceeding without paying the fees and court costs imposed by law, the inmate shall prepare an affidavit with a certified copy of the inmate's prison account statement showing the total deposits for the six (6) months immediately preceding the inmate's commencement, intervention, or joining of the action, or an appeal of a judgment in a civil action or proceeding, if available. If the records are not available for the preceding six (6) months, all inmate account records that are available shall be filed with the affidavit.
- (2) When an inmate commences, intervenes, or joins an action or an appeal of a judgment in a civil action or proceeding, the inmate shall pay at least partial court fees and costs. At a minimum, the inmate shall pay a five dollar (\$5) filing fee unless the court determines the inmate is unable to pay a fee and waives all fees and costs. If the inmate has the ability to pay a higher amount, the court shall order the inmate to pay the higher amount. However, the fees and costs imposed shall not exceed the full amount otherwise imposed by law.
- (3) If the court approves the application to waive all fees and costs, the court shall give written notice to the inmate that all fees and costs relating to the action will be waived. If the court denies the motion to waive all fees, the court shall give written notice to the inmate that the inmate's case will be dismissed if the partial fees and costs are not paid within forty-five (45) days after the date of the order, or within an additional period that the court may, upon request, allow. Process concerning the inmate's case shall not be served until the filing fee and the fee relating to service of process is paid.
- (4) If the inmate claims exceptional circumstances that render the inmate unable to pay at least the partial fees and costs ordered by the court, then the inmate shall submit, in addition to the statement of account required by this section, a copy of the detailed canteen expenditure sheet, and an affidavit of special circumstances setting forth the reasons and circumstances that justify relief from the partial fees and costs requirement.
- (5) In no event shall an inmate bring a civil action or appeal a judgment in a civil action or proceeding under this section if the inmate has, on three (3) or more occasions within a five (5) year period, while incarcerated or detained in any facility, brought an action or appeal in any court that was dismissed on the grounds that it was frivolous, malicious, or harassing, unless the prisoner is under imminent danger of serious physical injury, without paying the entire filing fee in full.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 11, sec. 4, effective July 15, 2002. -- Created 1996 Ky. Acts ch. 118, sec. 2, effective July 15, 1996.