

Filing Fees In A Minnesota Divorce

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Minnesota Family Law Blog



INTRO: I had a client get very irate the other day when he got a bill for “filing fees” in his divorce case, I guess I don’t blame him the local filing fee for Blue Earth County is now \$390 plus the \$7 law library fee. That’s not a small amount of money anymore. With this as the backdrop I thought I’d discuss what filing fees are in [Minnesota divorces](#).

There was a time, long, long ago, when you paid \$52 to start a divorce in Minnesota. Then came Governor Pawlenty. While, the facts do show that filing fees did increase substantially during his watch, it’s not really his fault as the Supreme Court is the one who approves various court fee increases. With the blame game out of the way let’s look at exactly what filing fees

are in Minnesota (and you may be able to avoid them).

Filing fees are the fees that users of the court system pay to help offset the great expense associated with running a court system in Minnesota. As a party in a divorce or family law case you may just look and only see the Judge and the Court Reporter, but there is a great deal of behind the scenes work that you may not see. First is the actual building, courthouses are not cheap to build or maintain and with the added security in courthouses required do to the increase in violence (see the terrible [shooting incident](#) in Grand Marais, MN as an example) the costs go up and up. This includes the bailiff’s, the metal detectors, etc.

Next is the court personal, not only the judge (wondering what a MN Judge’s salary is? [\\$129,124](#)) but his or her court reporter and most judges either have or share a law clerk, which is a law school graduate who assists the judge in research and drafting legal opinions. Then you have assistant court administrators/clerks, these folks handle the day to day heavy lifting. If you go and pay a fine or call the courthouse this is who you talk to. Next time you go to court spend a little time looking at how busy these folks typically are. In a bigger county such as Blue Earth or Olmsted, they usually are dealing with people all day every day, giving forms, taking checks, answering questions, etc.

Then the behind the scenes people, the custodians, IT personnel, human resources, the list can go on and on but you get the idea. It takes a lot of money to operate a courthouse and it was decided years ago that the people receiving the benefit (parties in a case) should help shoulder the burden. That’s where fees come in. The current fee schedule is a bit tricky to follow because it’s based on what county the legal action is filed in as well as what type of action it is. Let’s look at the [5th Judicial District](#)(Blue Earth, Brown, Martin, Cottonwood, Faribault, Jackson, Lincoln, Lyon, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock and last but not least, Watonwan Counties) where you can see the following fees:

- Divorce - \$390

- Small Claims Court - \$65
- Adoption - \$385
- Paternity/Custody - \$310
- Motion fees - \$100

As you can see, the numbers are all over the board and to make matters worse they don't include local law library fees, usually a fee under \$10 to help pay for the community law library.

But What If I Can't Afford Filing Fees?

Minnesota has a system in place to help to look at and determine if your filing fee should be waived. The technical term is a request to file *in forma pauperis*, A latin phrase which means "in the character or manner of a pauper" it's just our way of saying you can't afford the fees. You have to fill the [forms out](#) and submit them to the Court. The court will review it and decide if your fee should be waived. Generally speaking you need to be on some form of state assistance, have a legal aid lawyer helping you OR make less than 125% of poverty level. If you're just not happy to pay the \$400 or so dollars, but you can afford it, generally you're out of luck.

Well, there you go a short look at what filing fees are and why you may have to pay them in your Minnesota Divorce case.

I hope this was informative and if you have any questions or comments, please feel free to either post here or email me at Jkohlmeyer@rokolaw.com

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