

## FORM SUMMARY

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**Name of Form:** **Order on Prisoner's Petition for Waiver of Fees/Costs Based on Imminent Danger**

**Form Number:** **CV-441**

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**Statutory Reference:** §814.29, Wisconsin Statutes

**Benchbook Reference:** CV 46-4

**Purpose of Form:** Order by the judge on whether the petitioner has met the requirements to proceed without prepayment of filing and service fees/costs when the prisoner is alleging imminent danger of serious physical harm.

**Who Completes It:** Judge.

**Who Signs It:** **BY THE COURT:** Circuit Court Judge.

**Distribution of Form:** Original to clerk of court, copy to prisoner, copy to Department of Corrections and Department of Justice.

**Accompanying Forms:** If the affidavit of indigency is granted, the clerk of court will authenticate the copies for service on the defendants/respondents and send them back to the prisoner. If denied, the clerk of court will not authenticate the copies for service but will return them to the prisoner. The prisoner can then decide if he/she wishes to pay the fees and costs with his/her own money.

Regardless of whether the petition is granted or denied, a copy of the order should be sent to the Department of Justice and Department of Corrections. The other copy of the affidavit of indigency and accompanying documentation should be sent to the Department of Justice with its copy of the order.

**New Form/Modification:** Modification, last update 12/01.

**Modifications:** Removed the need for additional copies of affidavit of indigency in the Distribution list on page 2.

**Comments:**

**About this form:** This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form**

**itself shall not be altered.**