

Indigents C Sheriff-s Fees

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Administrative Director

Under the United States Supreme Court decision in *Boddie v. Connecticut*, 401 U.S. 371, 28 L. Ed. 2d 113 (1971), indigent persons are entitled to have process served in matrimonial cases without fee. The Supreme Court is advised that in most counties in cases where filing fees are now served under R. 1:13-2, no charge is made by the Sheriff for service of process. If in your county, however, the Sheriff has been charging fees in indigent matrimonial cases, the Supreme Court directs that you enter an appropriate order requiring such service to be made without charge. The Supreme Court is satisfied that there is inherent authority in the court to waive fees in such matters. You will note that under R. 1:13-2 fees are waived in all cases in which the party is represented by a Legal Service office. Accordingly, service of process must be made by the sheriff without fee in all matrimonial cases in which a plaintiff is represented by a Legal Service office.

For your information, when service is ordered made by publication, arrangements are being made for the publication fees to be paid by the Administrative Office of the Courts out of appropriations made for the Judiciary.

EDITOR:S NOTE

The only change in the text has been the deletion of the word "recent" to describe *Boddie v. Connecticut* in the first paragraph and the insertion of the official citation to that case.