



Copyright (c) Tulane University 1972.
Tulane Law Review

NOTE: Constitutional Law--Due Process Clause--Access to Divorce Courts for Indigents

April, 1972
46 Tul. L. Rev. 799

Author

James R. Lee

Excerpt

In an effort to bring a divorce action, welfare recipients were denied access to the state court because of their inability to pay court fees 1 and costs for service of process 2 as required by statute. Subsequent attempts to acquire a judicial waiver of the court fees and costs incidental to the divorce proceedings were unsuccessful. The appellants then brought an action in federal court where they contended that the state's statutory provisions requiring payment of court fees as a condition precedent of admission to its civil court system were unconstitutional. 3 The district court rejected their contention and held that a state may require payment of court fees as a prerequisite to entering its civil courts--even where such requirement may effectively bar an indigent from initiating an action therein. 4 The United States Supreme Court reversed and held that since society places such a high value on the marriage relationship, and since the state controls the exclusive means for the dissolution of that relationship, denial of access to the state courts to indigents, solely because of their inability to pay court costs, violates the due process clause. *Boddie v. Connecticut*, 401 U.S. 371 (1971).

Statutory provisions requiring payment of court fees and expenses as a condition precedent to court access have been widely accepted throughout the legislative and judicial systems of the United States. 5 Although a majority of the commentators who have examined this subject favor the abolition of provisions that would deny an ...

If you are interested in obtaining a *lexis.com*® ID and Password, please contact us at 1-(800)-227-4908 or visit us at <http://www.lexisnexis.com/>.

Sign in with your *lexis.com*® ID to access the full text of this article.

[Sign In](#)

-OR-

Order the full text of this article if you do not have a *lexis.com*® ID.

Price: US \$15.00 (+ tax)
[Yahoo!® Currency Converter](#)

[Order](#)

Subject to [Terms & Conditions](#)

Search Documents

eg., *Environmental Insurance Coverage Under the Comprehensive General Liability Policy*

[See Related Content](#)

[Search](#)

Lexis® Web - Beta

[Search](#)

Lexis® Web - The only search engine that delivers free web content specifically from legal sites validated by LexisNexis® attorney editors and includes tools for faster research and more relevant results.



Share. Network. Discover.

Join a LexisNexis® practice area community and explore the latest news, trends, issues and the professionals who are making these happen.

LexisNexis® Products

[LexisNexis® Services at www.lexis.com](#)

[LexisNexis® Store](#)

[LexisNexis® Web Communities](#)