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For Immediate Release

Montana Supreme Court Ensures Equal Access to Justice with Significant Decision

Helena, MT –January 30, 2025 will mark the one-year anniversary of the Montana Supreme Court ruling in favor of Victoria Deschamps, a self-represented civil litigant, overturning a lower court’s denial of a fee waiver that prevented her from pursuing her family law case. The ruling, delivered on January 30, 2024, ensures that Montanans who are unable to pay court costs due to financial hardship are not unjustly barred from accessing the legal system.

The case, *Deschamps v. Montana Twenty-First Judicial District Court*, concerned Deschamps’ application for a waiver of court costs and fees. Deschamps had asked the lower court to waive the \$200 filing fee required to proceed with her petition for divorce and a parenting plan. Despite meeting the criteria set forth by the Montana Department of Justice’s administrative rules, the District Court denied her request, demanding additional financial information beyond what was required by the official form.

“It’s daunting to navigate a divorce case in the first place, especially when financial barriers seem to block your path,” said Deschamps. “The court’s refusal to provide a fee waiver two different times, despite my low income and filling out all of the requested information, made my case seem even more overwhelming and intimidating, leaving me to question how long I was going to be stuck in that uncertain limbo. But with Montana Legal Services there to guide me and help me in my time of need, I realized that I could fight for my constitutional rights, and ultimately the rights of many Montanans that have been unjustly turned away by our court systems.”

“The District Court’s ruling ignored the guidelines established by the Montana Department of Justice,” said Amy Reavis, Staff Attorney and Skadden Fellow at Montana Legal Services Association (MLSA), who represented Deschamps in the case before the Montana Supreme Court.

“Under those guidelines, our client was eligible for a fee waiver based on her documented receipt of public benefits, yet she was denied access to the court.”

Justice Laurie McKinnon, writing for the Montana Supreme Court, stated, “The District Court erred as a matter of law by requiring Deschamps to provide information beyond what the Department of Justice’s administrative rule necessitates. Courts are bound by the statutes and rules established by the Department of Justice, not by their own policies or interpretations.”

The Court’s opinion emphasized the fundamental right of Montanans to access the courts, regardless of their financial situation. “Montanans’ right of access to courts is enshrined in our

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Constitution,” Justice McKinnon noted. “It is essential that this access be afforded to all, irrespective of their ability to pay.”

Deschamps expressed her relief and optimism following the decision. “I am so thankful, and I have a renewed sense of hope in our justice system, after hearing that the Supreme Court of Montana stepped in to ensure my waiver was accepted, and my rights as a Montana citizen were upheld.” The Supreme Court’s decision required the District Court to grant Deschamps’ request for a fee waiver, allowing her case to proceed without the burden of filing fees. This ruling not only vindicated Deschamps’ ability to resolve her family law case but also upholds the broader principle of equitable access to justice for all individuals, regardless of their economic status.

“This decision is an important victory for those who seek justice but face financial barriers,” said Reavis. “It reaffirms that Montana’s courts should be accessible to everyone and not just a recourse for the wealthy. The decision’s one-year anniversary on January 30th is an important reminder as we head into the new year: if you receive government benefits, you qualify for a filing fee waiver in Montana’s courts.”

To ensure courts throughout the state were made aware of the decision and to reaffirm the accessibility of the civil fee waiver, Amy Reavis and members of the MLSA outreach team traveled to 18 courts throughout Eastern Montana in June 2024 to familiarize court clerks with the eligibility requirements of the waiver and improve its accessibility for rural Montanans. MLSA also has plans to continue to familiarize clerks on the waiver in 2025.

You can find a copy of the fee waiver form on MLSA’s website, MontanaLawHelp.org or can download a copy of the fee waiver form from the Montana State Judicial Branch website, courts.mt.gov/forms.

Montana Legal Services Association (MLSA) is a non-profit statewide law firm that empowers low-income people by providing civil legal information, advice, representation, and other services free of charge. Civil legal aid from MLSA assures fairness for all in the justice system, regardless of how much money a person has, and helps Montanans protect their livelihoods, their health, and their families.

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