

## **The Hidden Barriers to Divorce: Financial Abuse and Dissolution Filing Fees in Minnesota**

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Divorcing an abusive spouse comes with many obvious concerns for the victim’s emotional and physical well-being.<sup>1</sup> However, the financial aspects of initiating a dissolution proceeding in court may pose a hidden barrier to divorce.<sup>2</sup> High costs just to begin the dissolution process, such as filing fees, may leave victims of abuse feeling trapped in their marriage.<sup>3</sup> Although individuals in Minnesota can qualify for fee waivers through the court, victims facing financial abuse may not always qualify.<sup>4</sup> These financial hurdles act as a seemingly invisible barrier that traps individuals, who are disproportionately women, in abusive relationships and unsafe marriages.<sup>5</sup>

In Minnesota, filing for a dissolution with or without children costs \$390, consisting of a \$350 base fee and a \$50 filing fee.<sup>6</sup> This makes Minnesota one of the most expensive states in which to file for divorce.<sup>7</sup> However, this is just the cost of filing the dissolution petition with the court. The total cost of getting a divorce through the court can range from \$1,000 to \$50,000, depending on the complexity of the issues, the length of the dissolution process, and attorney fees.<sup>8</sup> As mentioned above, if someone is unable to pay the costs associated with filing with the court, they may apply for a fee waiver.<sup>9</sup> An individual in Minnesota can qualify for a fee waiver if their “income is at or below 125% of the federal poverty level,” if they “receive public assistance,” or

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<sup>1</sup> Amanda Kippert, *How to Divorce an Abusive Spouse*, DOMESTICSHELTERS.ORG (Mar. 3, 2025), <https://www.domesticshelters.org/articles/legal/how-to-divorce-an-abusive-spouse>.

<sup>2</sup> Patrick Villanova & Arturo Condre, *11 Ways Divorce Can Impact Your Finances*, SMARTASSET (Nov. 11, 2025), <https://smartasset.com/personal-finance/financial-implications-of-divorce>.

<sup>3</sup> *Id.*

<sup>4</sup> *Fee Waiver (IFP)*, MINNESOTA JUDICIAL BRANCH, <https://mncourts.gov/help-topics/fee-waiver-ifp> (last visited Apr. 16, 2026).

<sup>5</sup> *See generally Domestic Violence Statistics*, NAT’L DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/stakeholders/domestic-violence-statistics/>.

<sup>6</sup> *District Court Fees*, MINNESOTA JUDICIAL BRANCH, <https://mncourts.gov/help-topics/court-fees/district-court-fees?cat=dissolution/custody&cookiecheck=true> (last visited April 16, 2026).

<sup>7</sup> *Divorce Filing Fees*, DIVORCE WRITER (2026), [https://www.divorcewriter.com/divorce-filing-fees#:~:text=States%20with%20Highest%20Filing%20Fees,filing%20fees%20falling%20under%20\\$100](https://www.divorcewriter.com/divorce-filing-fees#:~:text=States%20with%20Highest%20Filing%20Fees,filing%20fees%20falling%20under%20$100).

<sup>8</sup> *See* Liz Pharo, *How Much Does Divorce Cost In Minneapolis, Minnesota?*, DIVORCE.COM (Feb. 2026), <https://divorce.com/city/minneapolis-mn/divorce-cost> (explaining how a divorce in Minnesota can range from \$1,000 to \$50,000 or more); *see also* *What Makes a Divorce so Expensive?*, OURFAMILYWIZARD (Nov. 24, 2025), <https://www.ourfamilywizard.com/blog/what-makes-divorce-so-expensive> (describing the different costs associated with divorce, which include attorney’s fees, that can add up the longer a divorce takes).

<sup>9</sup> *Fee Waiver (IFP)*, *supra* note 4.

if they can show they “do not have enough money to pay the filing fee.”<sup>10</sup> Currently, someone would have to be making \$27,050 or less in a household of two to qualify under the 125% of the federal poverty level.<sup>11</sup> An individual would file the Affidavit to Request Fee Waiver with their petition for dissolution, along with proof of financial need, such as a paycheck, and proof of public assistance, if applicable.<sup>12</sup> A judicial officer then reviews the request, and either grants the fee waiver, in full or in part, or denies it altogether, meaning the individual would have to pay the full filing fee.<sup>13</sup>

Domestic violence, which is a pattern of abusive behavior in a relationship, comes in various forms, including physical, emotional, sexual, and financial.<sup>14</sup> It is important to emphasize that domestic violence is not just physical abuse; it can manifest in all aspects of a victim’s life.<sup>15</sup> While all types of domestic violence can affect a victim’s ability to divorce their abusive spouse, financial abuse directly impacts a victim’s ability to file for divorce, which begins the dissolution process.<sup>16</sup> Financial abuse comes in many different forms, but can include an abusive partner controlling their partner’s finances, their ability to provide for themselves, their ability to hold a job or receive public assistance, monitoring their partner’s bank accounts, and controlling their spending.<sup>17</sup> This type of abuse and its consequences have historically been overlooked, but have long-lasting effects on victims attempting to leave their abusive relationships.<sup>18</sup> Additionally, financial abuse is extremely prevalent in abusive relationships, with research indicating that it occurs in 99% of domestic violence cases.<sup>19</sup> This type of abuse (when occurring in heterosexual relationships) disproportionately affects women, who are more likely to have limited financial resources compared to their male partners.<sup>20</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> 2026 Federal Poverty Guidelines, PROJUSTICEMN (2026), <https://www.projusticemn.org/fedpovertyguidelines/>.

<sup>12</sup> *Fee Waiver (IFP)*, *supra* note 4.

<sup>13</sup> *Id.*

<sup>14</sup> *Domestic Violence*, U.S. DEP’T OF JUST. OFF. ON VIOLENCE AGAINST WOMEN (Jan. 22, 2025), <https://www.justice.gov/ovw/domestic-violence#:~:text=Domestic%20violence%20can%20be%20physical,within%20an%20intimate%20partner%20relationship>.

<sup>15</sup> Sian Ferguson, *Domestic Violence is More Than Physical Abuse — Learn the Signs*, HEALTHLINE (June 13, 2025), <https://www.healthline.com/health/is-domestic-violence-only-physical>.

<sup>16</sup> *Financial Abuse: What It Is & Why It Matters in Divorce*, NESHANIAN LAW FIRM, INC. (Mar. 14, 2023), <https://www.familylawattorney-irvine.com/blog/2023/march/financial-abuse-what-it-is-why-it-matters-in-div/>.

<sup>17</sup> *What Is Financial Abuse?*, NAT’L DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/resources/financialabuse/>.

<sup>18</sup> Susan Pollett, *Economic Abuse: The Unseen Side of Domestic Violence*, 83 N.Y. STATE BAR J. 40, 43 (2011) (“Economic abuse has for too long remained a relatively ‘unseen side’ of domestic violence . . . [T]he laws need to catch up to what the domestic violence victim advocates have known for some time — that economic abuse can be more harmful than other forms of abuse.”).

<sup>19</sup> *About Financial Abuse*, NAT’L NETWORK TO END DOMESTIC VIOLENCE (2024), <https://nmedv.org/content/about-financial-abuse/>.

<sup>20</sup> Cyn Haueter, *“I Can’t Afford to Leave Him” Divorcing a Spouse with Superior Financial Resources*, 31 HASTINGS J. GENDER & L. 237, 238 (2020) (“In 2017, approximately half of married women worked outside the home. Women who do work earn less than their male counterparts of comparable experience and education, and husbands out-earn their wives in over two-third of marriages . . . Reduced earning capacity, combined with the fact

Financial abuse negatively impacts a victim's ability to file for divorce and leave their abuser.<sup>21</sup> One reason for this is that victims of financial abuse are often left in a worse financial position due to their abusive spouse, making access to the legal system that much harder.<sup>22</sup> Additionally, financial abuse does not require proximity, meaning even if an abused spouse separates from their abuser, the abuse may continue even while the victim is attempting to rebuild their finances.<sup>23</sup> Since victims of financial abuse do not have total control over their own finances, they may be left with little to no money that they are able to spend on court filing costs.<sup>24</sup> Although Minnesota courts allow individuals to apply for a fee waiver, this is only effective in circumstances where the individual makes below a certain threshold, cannot support themselves or their family, receives free legal representation, or receives government assistance.<sup>25</sup> On Minnesota's Affidavit to Request Fee Waiver form, there is no place to indicate whether the applicant is a victim of abuse.<sup>26</sup> Additionally, the Minnesota Judicial Branch's website does not indicate that victims of financial abuse may qualify for a fee waiver.<sup>27</sup> Although Question 14 of the Affidavit to Request Fee Waiver allows for someone to explain their inability to pay, victims of financial abuse may not want to disclose their abusive situation in an official court document.<sup>28</sup> Thus, the current fee waiver system disproportionately harms victims of domestic abuse, including financial abuse, who are mostly women.<sup>29</sup> For example, a wife could be making enough money to live above the Federal poverty guidelines and support her family, but may not have access to this money, due to financial

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that most married people have joint bank accounts, creates a situation where women are at greater risk of financial abuse during marriage or at the outset of divorce.”).

<sup>21</sup> *Financial Abuse Is Domestic Abuse*, DEP'T OF FIN. PROT. & INNOVATION (2026), <https://dfpi.ca.gov/news/insights/financial-abuse-is-domestic-abuse/> (explaining how financial abuse may leave someone feeling like they have no choice but to stay in their abusive relationship).

<sup>22</sup> Laura Johnson et al., *Examining the Impact of Economic Abuse on Survivors of Intimate Partner Violence: A Scoping Review*, BMC PUBLIC HEALTH, May 19, 2022 at 1, 13 (“Most studies found that economic abuse was associated with negative financial impacts.”).

<sup>23</sup> *Financial Abuse Is Domestic Abuse*, *supra* note 21 (“Economic abuse doesn't rely on physical proximity, so it can continue after separation. Those who finally leave an abusive partner are often left in debt or lack the financial security to rebuild their lives after leaving.”).

<sup>24</sup> *Financial Abuse*, WOMENSLAW.ORG (Feb. 24, 2011), <https://www.womenslaw.org/about-abuse/forms-abuse/financial-abuse/basic-info/what-financial-abuse-what-are-signs-look-out> (describing common signs of financial abuse, including forced access to bank accounts, turning over financial assets, and preventing someone from working).

<sup>25</sup> MINNESOTA JUDICIAL BRANCH, FORMS PACKET: FEE WAIVER (located online at <https://mncourts.gov/getforms/fee-waiver/forms-packet-fee-waiver>).

<sup>26</sup> MINNESOTA JUDICIAL BRANCH, AFFIDAVIT TO REQUEST FEE WAIVER (FEE102) (located online at [https://mncourts.gov/media/migration/courtforms/fee-waiver/fee102\\_current.pdf](https://mncourts.gov/media/migration/courtforms/fee-waiver/fee102_current.pdf)).

<sup>27</sup> *Fee Waiver (IFP)*, *supra* note 4.

<sup>28</sup> *Affidavit to Request Fee Waiver (FEE102)*, *supra* note 26.

<sup>29</sup> *Domestic Violence Statistics*, NAT'L DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/stakeholders/domestic-violence-statistics/> (describing domestic violence statistics, which show that women are more likely to be the victim of domestic abuse compared to men).

abuse from her husband. Because, on paper, her income is high enough, she would not qualify for a fee waiver to divorce her husband under Minnesota's guidelines.<sup>30</sup>

Leaving an abusive marriage presents countless obstacles and requires immense bravery.<sup>31</sup> The Minnesota court system should be an advocate for victims, but instead, the fee waiver criteria present another barrier to leaving an abusive marriage.<sup>32</sup> Minnesota's fee waiver application system should be revised to include victims of financial abuse who are not in control of their own finances. Adding a new way for people to qualify for a fee waiver if they are experiencing financial abuse would help encourage victims to leave their abuser and restore faith in the legal system.<sup>33</sup> While someone might not qualify for a fee waiver on paper, the hidden nature of financial abuse could leave them without the means to pay to file for a dissolution.<sup>34</sup> Minnesota's dissolution procedure should be breaking down as many barriers for victims of abuse as possible. Instead, it is preventing victims who may not have control over their own finances from leaving their abusive spouse.

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<sup>30</sup> *Fee Waiver (IFP)*, *supra* note 4.

<sup>31</sup> *50 Obstacles to Leaving*, NAT'L DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/resources/get-help-50-obstacles-to-leaving/> ("Leaving is not easy. On average, it takes a victim seven times to leave before staying away for good. Exiting the relationship is [the] most unsafe time for a victim. As the abuser senses that they're losing power, they will often act in dangerous ways to regain control over their victim.").

<sup>32</sup> *Fee Waiver (IFP)*, *supra* note 4.

<sup>33</sup> *Women's Justice: A Preliminary Assessment of Women in the Criminal Justice System*, COUNCIL ON CRIMINAL JUST. (July 2024), <https://counciloncj.org/womens-justice-a-preliminary-assessment-of-women-in-the-criminal-justice-system/> ("More than half of the victims and survivors who had contacted the police (55%) reported negative interactions with law enforcement, including feeling discrimination for having experienced domestic violence.").

<sup>34</sup> Liza Zeiderman, *Red Flags of Financial Abuse in a Relationship*, PSYCHOLOGY TODAY (Mar. 12, 2026), <https://www.psychologytoday.com/us/blog/legal-matters/202603/red-flags-of-financial-abuse-in-a-relationship> ("[F]inancial abuse is often hidden behind a facade of care or financial management, making it harder to recognize.").