

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
 )  
AMENDING ARIZONA CODE OF ) Administrative Order  
JUDICIAL ADMINISTRATION § 5-206: ) No. 2022 - 136  
FEE DEFERRALS AND WAIVERS )  
 )  
 )  
\_\_\_\_\_ )

Proposed amendments to the above-captioned section of the Arizona Code of Judicial Administration (ACJA) came before the Arizona Judicial Council on October 27, 2022 and were approved and recommended for adoption.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the amendments to ACJA § 5-206 as indicated on the attached document are adopted. All other provisions of § 5-206 remain unchanged and in effect.

Dated this 2nd day of November, 2022.

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ROBERT BRUTINEL  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 5: Court Operations**  
**Chapter 2: Programs and Standards**  
**Section 5-206: Fee Deferrals and Waivers**

*[Added text is shown underlined, deleted text by strikethrough.]*

**A. Definitions.** The following definitions apply to this section:

\* \* \*

“Deferral” means “either postponement of an obligation to pay fees or establishment of a schedule for payment of fees” as provided in A.R.S. § 12-302(MN)(1).

\* \* \*

“Further deferral” means “the establishment of a schedule for payment of fees” as provided in A.R.S. § 12-302(MN)(2).

\* \* \*

**B. and C. [No changes]**

**D. Applications.**

1. Applications ~~shall~~may be in writing on the approved forms or ~~except that in limited jurisdiction courts the applicant may make an application~~ by verbal avowal in open court. The court shall deny incomplete applications. The court shall issue a written order on every application.
2. and 3. [No changes]

**E. Deferral.**

1. Postponement. Under the following circumstances, the court shall grant an application for deferral and shall postpone all payments until the conclusion of the case.
  - a. [No changes]
  - b. If the applicant presents ~~an affidavit~~ a verification letter showing that they are receiving legal assistance from ~~representation by~~ a non-profit legal services organization that has as one of its primary purposes the provision of legal assistance to indigents, free of charge, in civil matters.
  - c. [No changes]
2. through 5. [No changes]

**F. Waiver.** The court shall grant a waiver:

1. [No changes]
2. If the applicant was granted a deferral as provided in subsection E(1)(a) and the court determines the applicant's income and liquid assets have not changed and are unlikely to change in the foreseeable future. This determination can be made at any stage of the action, at the request of the applicant.

**G. Deferral and Waivers Orders.** If the applicant meets the criteria for deferral or waiver, orders for deferral or waiver may include all fees but at a minimum shall include those provided in A.R.S. § 12-302(H)(1)-(4). Unless otherwise ordered by the court, the order for deferral or waiver of such fees does not expire during the pendency of the action. Deferrals or waivers for services provided in A.R.S. § 12-302(H)(5)-(8) may require separate applications if not deferred or waived at the time of the initial application.

**H. through L.** [No changes]

**M. Consent Judgment.**

1. and 2. [no changes]
3. Satisfaction of consent judgment. If the court records a consent judgment and the applicant later pays the outstanding fees in full, the court shall comply with the provisions of A.R.S. § 33-964(~~CE~~):

\* \* \*

**N. through P.** [No changes]

**Q. Vexatious Litigants.**

1. [No changes]
2. Waiver. As provided in A.R.S. § 12-302(K)(~~3~~), the court shall not grant a waiver of court fees or costs in “[c]ivil actions other than cases of dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support filed by a pro se litigant who has been previously declared a vexatious litigant by any court.”
3. [No changes]

**R. through V.** [No changes]