

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:)
)
FEE DEFERRAL AND WAIVER) Administrative Directive
PROCEDURES AND FORMS) No. 2017 – 01
) (Amending Administrative
) Directive No. 2014-22)
_____)

Arizona Code of Judicial Administration (ACJA) § 5-206 authorizes the Administrative Director to approve or modify fee deferral and waiver forms to reflect changes in laws, court rules or procedures and to make other necessary administrative amendments or corrections.

In response to concerns expressed by the legal services community, the Administrative Office of the Courts formed a workgroup to evaluate whether applicants who qualify for assistance due to their financial circumstances were unduly burdened in applying for indigent status when filing in court.

The workgroup recommended several modifications to the forms mandated for use statewide. The proposed changes were also vetted with presiding judges and court administrators.

Therefore, pursuant to ACJA § 5-206 and in order to promote the use of uniform and efficient legal forms at all levels of the court system and to enhance the public’s access to the courts through the availability of useable and understandable legal forms,

IT IS DIRECTED that effective on or before July 10, 2017, the forms in Appendix A are adopted for mandatory use by all Arizona courts for matters concerning fee deferral and waivers.

IT IS FURTHER DIRECTED that the forms in Appendix A supplement or replace the forms in Administrative Directive No. 2014-22.

Dated this 12th day of June, 2017.

DAVID K. BYERS
Administrative Director of the Courts

[YOUR LEGAL SERVICES HEADER]
[ADDRESS]
[TELEPHONE CONTACT]
[DATE OF APPROVAL FOR SERVICES]
[DATE]

Re: **Verification of Party's Receipt of Non-Profit Legal Services**

Dear Clerk of Court:

This letter shall confirm that [CLIENT'S NAME] is our client and is currently receiving services from our office for their [CASE TYPE]. Please accept this letter as adequate verification of our organization's services to our client.

Accordingly, we ask that you defer or waive the filing fee our client would otherwise be expected to pay in this type of case, and do so without requiring them to fill out Section 3 of the *Application for Deferral or Waiver of Court Fees or Cost and Consent to Entry of Judgment* ("Application"), the financial questionnaire, or provide any other proof of indigence.

This verification shall not act as a "Notice of Appearance" on behalf of the client, and we are not their attorney of record. Should we decide to provide direct representation to them, a Notice of Appearance reflecting that representation will be filed.

NOTE. This verification must be filed, along with the Application, within ninety (90) days of the above date. If the verification is filed beyond ninety (90) days, we cannot verify the client remains eligible for our services. If the person attempts to file this verification beyond ninety (90) days from the date of this letter, please refer them back to our office for a determination of their continuing eligibility for our services.

Please feel free to contact me if you have any questions or concerns.

Sincerely yours,

COMMUNITY LEGAL SERVICES
[YOUR ORGANIZATION'S INFORMATION]

[YOUR NAME AND CONTACT INFORMATION]

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Person Filing Document: _____
Your Address: _____
Your City, State, and Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Attorney E-mail Address: _____
Representing Self (Without an Attorney) OR
 Attorney for Petitioner Respondent

STATE OF ARIZONA)
COUNTY OF _____) **ss**

Name of Petitioner/Plaintiff

Case Number: _____

**SUPPLEMENTAL APPLICATION FOR
DEFERRAL OR WAIVER OF COURT FEES
AND/OR COSTS**

Name of Respondent/Defendant

Notice. A Fee Deferral is only a temporary postponement of the payment of the fees due. You may be required to make payments depending on your income. A Fee Waiver is usually permanent unless your financial circumstances change during the pendency of this court action.

I am requesting a deferral/waiver of any unpaid fees and/or costs in my case. I understand that if I request deferral or waiver because I am a participant in a government assistance program, I am required to provide proof at the time of filing. The document(s) submitted must show my name as the recipient of the benefit and the name of the agency awarding the benefit. **Note. All other applicants must complete the financial questionnaire beginning at section 3.**

1. [] WAIVER:

- [] I currently receive government assistance from the federal Supplemental Security Income (SSI) program. (Please attach proof.)
- [] I was formerly granted a deferral by the court until the end of my case. My income and liquid assets have not changed and are unlikely to change in the foreseeable future. (If you are receiving food stamps or government cash assistance from Temporary Assistance to Needy Families (TANF), please attach proof. In all other cases, complete the financial questionnaire in section 3.)
- [] My income is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that have accrued. My gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (Complete the financial questionnaire in section 3. Note: Gross monthly income includes your share of community property income if available to you.)
- [] My income is greater than 150% of the poverty level, but I have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that reduce my gross monthly income to 150% or below the poverty level. (Complete the financial questionnaire in section 3.)

2. **DEFERRAL:** I do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. **Explain.** (Complete the financial questionnaire in section 3.)
- _____
- _____

3. FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES. List all persons you support (including those you pay child support and/or spousal maintenance/support for):

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

Employer name: _____
 Employer phone number: _____
 I am unemployed (explain): _____

My prior year's gross income: \$ _____

MONTHLY INCOME

My total monthly gross income: \$ _____
 My spouse's monthly gross income (if available to me): \$ _____
 Other current monthly income, including spousal maintenance/support, retirement, rental, interest, pensions, and lottery winnings: \$ _____

TOTAL MONTHLY INCOME \$ _____

MONTHLY EXPENSES AND DEBTS: My monthly expenses and debts are:

	PAYMENT AMOUNT	LOAN BALANCE
Rent/Mortgage payment	\$ _____	\$ _____
Car payment	\$ _____	\$ _____
Credit card payments	\$ _____	\$ _____
Explain: Other payments & debts	\$ _____	\$ _____
Household	\$ _____	
Utilities/Telephone/Cable	\$ _____	
Medical/Dental/Drugs	\$ _____	
Health insurance	\$ _____	
Nursing care	\$ _____	
Tuition	\$ _____	
Child support	\$ _____	
Child care	\$ _____	
Spousal maintenance	\$ _____	
Car insurance	\$ _____	
Transportation	\$ _____	
Other expenses (explain)	\$ _____	

TOTAL MONTHLY EXPENSES \$ _____

STATEMENT OF ASSETS: List only those assets available to you and accessible without financial penalty.

	ESTIMATED VALUE	
Cash and bank accounts	\$ _____	
Credit union accounts	\$ _____	
Other liquid assets	\$ _____	
TOTAL ASSETS		\$ _____

OATH OR AFFIRMATION

I declare under penalty of perjury that the foregoing is true and correct.

Date

Signature

Applicant's Printed Name

Date

Judicial Officer, Deputy Clerk or Notary Public

My Commission Expires/Seal:

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

**ORDER REGARDING DEFERRAL OR WAIVER
OF COURT FEES AND COSTS AND
NOTICE REGARDING CONSENT JUDGMENT**

Name of Respondent/Defendant

THE COURT FINDS that the applicant (print name) _____:

- 1. IS NOT ELIGIBLE FOR A DEFERRAL of fees and costs.
OR
- 2. IS ELIGIBLE FOR A DEFERRAL of fees and costs based on financial eligibility. As required by state law, the applicant has signed a consent to entry of judgment.
OR
- 3. IS ELIGIBLE FOR A DEFERRAL of fees and costs at the court's discretion (A.R.S. § 12-302(L)).
OR
- 4. IS ELIGIBLE FOR A DEFERRAL of fees and costs based on good cause shown. As required by state law, the applicant has signed a consent to entry of judgment.
OR
- 5. IS ELIGIBLE FOR A WAIVER of fees and costs because the applicant is permanently unable to pay.
OR
- 6. IS ELIGIBLE FOR A WAIVER of fees and costs at the court's discretion (A.R.S. § 12-302(L)).
OR
- 7. IS NOT ELIGIBLE FOR A WAIVER of fees and costs.

IT IS ORDERED:

- DEFERRAL IS DENIED** for the following reason(s):
 - The application is incomplete because _____
You are encouraged to submit a complete application.
 - The applicant does not meet the financial criteria for deferral because _____

A deferral MUST BE granted if the applicant is receiving public assistance benefits from the Temporary Assistance to Needy Families (TANF) program or Food Stamps; presents documentation they are currently receiving services from a non-profit legal services organization; has an income that is insufficient or barely sufficient to meet the daily essentials of life and that includes no allotment that could be budgeted to pay the fees and costs necessary to gain access to the court; or, if the applicant demonstrates other good cause.

- DEFERRAL IS GRANTED** for the following fees and costs in this court:
 - Any or all filing fees; fees for the issuance of either a summons and subpoena; or the cost of attendance at an educational program required by A.R.S. § 25-352, fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.
 - Fees for service of process by a sheriff, marshal, constable or law enforcement agency.
 - Fees for service by publication.
 - Filing fees and photocopy fees for the preparation of the record on appeal.
 - Court reporter or transcriber fees if employed by the court for the preparation of the transcript.

IF A DEFERRAL IS GRANTED, PLEASE CHECK ONE OF THE FOLLOWING BOXES:

NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE.

SCHEDULE OF PAYMENTS.

The applicant shall pay \$_____ each _____ (week, month etc.) until paid in full, beginning _____.

WAIVER IS DENIED for all fees and costs in this case.

WAIVER IS GRANTED for all fees and costs in this case that may be waived under A.R.S. § 12-302(H).

Any or all filing fees; fees for the issuance of either a summons or subpoena; or the cost of attendance at an educational program required by A.R.S. § 25-352, fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.

Fees for service of process by a sheriff, marshal, constable or law enforcement agency.

Fees for service by publication.

Filing fees and photocopy fees for the preparation of the record on appeal.

Court reporter or transcriber fees if employed by the court for the preparation of the transcript.

RIGHT TO JUDICIAL REVIEW. If the application is denied or a payment schedule is set by a special commissioner, you may request the decision be reviewed by a judicial officer. The request must be made within twenty (20) days of the day the order was mailed or delivered to you. If a schedule of payments has been established, payments shall be suspended until a decision is made after judicial review. Judicial review shall be held as soon as reasonably possible.

NOTICE REGARDING CONSENT JUDGMENT. Unless any of the following applies, a consent judgment may be entered against the applicant for all fees and costs that are deferred and remain unpaid thirty (30) days after entry of final judgment:

- A. Fees and costs are taxed to another party;
- B. The applicant has an established schedule of payments in effect and is current with those payments;
- C. The applicant filed a supplemental application for waiver or further deferral of fees and costs and a decision by the court is pending;
- D. In response to a supplemental application, the court orders that the fees and costs be waived or further deferred; or
- E. Within twenty (20) days of the date the court denies the supplemental application, the applicant either:
 - 1. Pays the fees and costs; or,
 - 2. Requests a hearing on the court's order denying further deferral or waiver. If the applicant requests a hearing, the court cannot enter the consent judgment unless a hearing is held, further deferral or waiver is denied, and payment has not been made within the time prescribed by the court.

If an appeal is taken, a consent judgment for deferred fees and costs that remain unpaid in the lower court shall not be entered until thirty (30) days after the appeals process is concluded. The procedures for notice of court fees and costs and for entry of a consent judgment continue to apply.

If a consent judgment is signed and the applicant pays the fees and costs in full, the court is required to comply with the provisions of A.R.S. § 33-964(C).

DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral or waiver shall promptly notify the court of any change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and costs. Any time the applicant appears before the court on this case, the court may inquire as to the applicant's financial circumstances.

DATED: _____

 Judicial Officer **Special Commissioner**

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

Name of Respondent/Defendant

**ORDER ON SUPPLEMENTAL APPLICATION
(WITHOUT HEARING)**

A SUPPLEMENTAL APPLICATION WAS FILED.

THE COURT FINDS that the applicant (print name) _____:

IS ELIGIBLE FOR A WAIVER

- The applicant is **permanently unable** to pay.
- The applicant receives **Supplemental Security Income**.
- The applicant previously was **granted a deferral** and his/her income and liquid assets have not changed and are unlikely to change in the foreseeable future.
- The court exercises its **discretion** to grant a waiver as necessary and appropriate. (A.R.S. § 12-302 (L))

OR

IS ELIGIBLE FOR FURTHER DEFERRAL of fees and costs. **(Court must establish a schedule of payments)**

- The applicant has shown **good cause** for further deferral.
- The court exercises its **discretion** to grant further deferral as necessary and appropriate. (A.R.S. § 12-302 (L))

OR

IS NOT ELIGIBLE FOR A WAIVER OR FURTHER DEFERRAL of fees and costs.

IT IS ORDERED: (Check all boxes that apply)

WAIVER IS GRANTED for unpaid fees and costs in the amount of \$_____.

WAIVER IS DENIED. The applicant does not meet the financial criteria for waiver because:

A waiver **MUST BE** granted upon proof that the applicant is permanently unable to pay or meets one of the eligibility factors listed above.

FURTHER DEFERRAL IS GRANTED for unpaid fees and costs in the amount of \$_____.

The applicant shall pay the entire amount due by _____(date).

OR

The applicant shall pay \$_____ each _____ (week, month etc.) until paid in full, beginning _____.

FURTHER DEFERRAL IS DENIED because the applicant has not demonstrated good cause or it is not necessary or appropriate under A.R.S. § 12-302 (L).

APPLICATION IS DENIED

Your application is incomplete because:

You are encouraged to submit a complete application before a consent judgment is entered against you.

RIGHT TO HEARING. Unless a waiver is granted, you may request a hearing for a review of this order. The request must be made within twenty (20) days of the day this order was mailed or handed to you in court. No action for non-payment of fees and costs will be taken until the hearing is held.

If you do NOT request a hearing, unless you are granted a payment plan, full payment is due within twenty (20) days from the day this order was mailed or handed to you in court. If full payment is not made within the time stated, a consent judgment may be entered against you for any amounts unpaid.

DATED: _____

Judicial Officer **Special Commissioner**