

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. 2019 - <u>03</u>
)	(Amending Administrative
)	Directive No. 2017-01)
)	

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 a Maricopa County Justice Courts request for variance to add a mailing certification block to specific notices and orders, the Administrative Office of the Courts determined that the process-oriented change would be beneficial for all courts. The change serves to document the distribution of the notices and orders to the applicant.

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 May 1, 2019, the forms in Appendix A are adopted for mandatory use by all Arizona courts for matters concerning fee deferral and waivers.

Dated this 7th day of February, 2019.

DAVID K. BYERS
Administrative Director of the Courts

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

Name of Respondent/Defendant

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

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

I CERTIFY that I mailed/delivered a copy of this document to:	
<input type="checkbox"/> Applicant <input type="checkbox"/> at the above address <input type="checkbox"/> in court	
<input type="checkbox"/> Applicant's attorney <input type="checkbox"/> at the above address <input type="checkbox"/> in court	
Date: _____	By _____ Clerk

NOTICE OF COURT FEES AND COSTS DUE

IMPORTANT!

Read this notice carefully. If you do not do what this notice tells you to do, a judgment for all unpaid fees and costs will be entered against you. This judgment may appear on your credit report, could cause your wages to be garnished or your tax refund to be intercepted, or result in other financial consequences including collection agency costs. If you do not understand this notice, you may wish to seek legal advice or contact Legal Aid for help.

When your case was filed, you requested that the court defer the court fees and costs in your case. The court granted you a deferral. A deferral means that payment was postponed, and you did not have to pay all the costs and fees while your case was open. The case is now over.

Payment of court fees and costs in the amount of \$_____ are now due in your case. You must either pay these fees and costs or file a supplemental application for waiver or further deferral by (date) _____.

If you do not pay or file a supplemental application by the above date, a judgment for the total amount of unpaid fees and costs will be entered against you. The court may then take legal steps to collect the unpaid judgment.

You may make the payment or obtain and file a supplemental application at (court name, location, and telephone number):

In the supplemental application, if you qualify, you can ask the court for:

1. Waiver of fees and costs. This means you never have to pay the fees and costs in this case.
2. Further deferral of fees and costs. This means the court arranges a payment schedule.

You may also ask the court for an itemized statement of unpaid fees and costs at no cost to you. After reviewing the itemized statement, if you disagree with the amount due, you may request a hearing. If you file a supplemental application for further waiver or deferral of the court fees and costs and the application is denied, you may request a hearing. Supplemental applications or forms to request a hearing are available online at:

or at the following court locations:

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address in court

Applicant's attorney at the above address in court

Date: _____

By _____
Clerk

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

**CONSENT JUDGMENT FOR COURT
FEES AND COSTS**

Name of Respondent/Defendant

An application for deferral of court fees and costs has been granted in this case. Pursuant to A.R.S. § 12-302(F), the applicant signed a consent to entry of judgment for court fees and costs not taxed to another party that remain unpaid thirty (30) calendar days following entry of final judgment. MORE THAN thirty (30) days have elapsed since the entry of final judgment and unpaid fees and costs exist, which the applicant is responsible to pay.

The applicant has not filed a supplemental application for waiver or further deferral;

OR

The applicant has filed a supplemental application for waiver or further deferral, which has been denied by the court, **AND EITHER:**

More than twenty (20) days have elapsed since the denial and the applicant has neither requested a hearing nor paid the unpaid fees and costs;

OR

Within twenty (20) days, the applicant has requested a hearing and, after the hearing, the court has affirmed the denial and the applicant has failed to pay the fees and costs within the time prescribed by the court;

OR

The applicant has filed a supplemental application. Further deferral has been granted and the applicant failed to pay the amount due as ordered.

JUDGMENT IS GRANTED in favor of this court and against _____
(print applicant's name here) in the amount of \$ _____, representing the total amount of deferred court fees and costs remaining unpaid that the applicant is responsible to pay.

DATED: _____

Judicial Officer

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address in court
 Applicant's attorney at the above address in court

Date: _____ **By** _____
Clerk

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

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

Name of Respondent/Defendant

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

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address in court

Applicant's attorney at the above address in court

Date: _____

By _____
Clerk

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

**ORDER ON SUPPLEMENTAL
APPLICATION (AFTER HEARING)**

Name of Respondent/Defendant

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 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.

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

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

OR

Case Number: _____

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 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, 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

I **CERTIFY** that I mailed/delivered a copy of this document to:

Applicant at the above address in court

Applicant's attorney at the above address in court

Date: _____

By _____
Clerk

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

REQUEST AND ORDER FOR HEARING

Name of Respondent/Defendant

Check at least one of the following:

- I request a hearing on the denial of my supplemental application for waiver or further deferral.
- I do not agree with the amount of unpaid fees and costs on the itemized statement provided by the court. I request a hearing on the calculation of the unpaid fees and costs.

Date: _____

Signature

Applicant's Printed Name

The Court completes the following section.

Case Number: _____

IT IS ORDERED scheduling a hearing on the above matter.

Hearing Date: _____

Hearing Time: _____

Hearing Location: _____

Hearing Officer: _____

DATED: _____

_____ Judicial Officer Special Commissioner

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address in court

Applicant's attorney at the above address in court

Date: _____

By _____
Clerk

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

Name of Respondent/ Defendant

**ORDER REGARDING DEFERRAL OF
SERVICE OF PROCESS FEE FOR
INJUNCTIONS AGAINST HARASSMENT**

UPON VERBAL AVOWAL OR WRITTEN APPLICATION AND A FINDING OF GOOD CAUSE,

IT IS ORDERED: (Check all boxes that apply)

- DEFERRAL IS GRANTED** for the service of process fee. The applicant shall make payments as set forth below.
- DEFERRAL IS DENIED** for the service of process fee. The applicant does not meet the financial criteria for deferral.

DATED: _____

 Judicial Officer Special Commissioner

PAYMENT DUE DATE

The applicant shall pay the service of process fee of \$ _____ on or before _____.
(date)

If payment is not made in full when due, you will receive a notice reminding you that you may submit a supplemental application for further deferral or waiver if you believe you still cannot afford to pay your court fees and/or costs. The court will decide at that time whether or not you must pay.

NOTE: IF THE APPLICATION IS BY VERBAL AVOWAL, THE APPLICANT MUST SIGN THE CONSENT ON THE NEXT PAGE.

If payment of the service of process fee has been postponed and payment is not made in full when due, you will receive a *Notice of Court Fees and Costs Due* reminding you that you may submit a supplemental application for further deferral or waiver if you believe you still cannot afford to pay your court fees. The court will decide at that time whether or not you must pay.

CONSENT TO ENTRY OF JUDGMENT. By signing this section, I agree that a judgment may be entered against me for all fees that are deferred, but that remain unpaid thirty (30) calendar days after the entry of final judgment. Judgment may be entered against me unless any of the following applies:

- A. Fees and costs are taxed to another party;
- B. I have an established schedule of payments in effect and I am current with those payments;
- C. I 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, I either:
 - 1. Pay the fees and costs; **or**,
 - 2. Request a hearing on the court's order denying further deferral or waiver. If I request 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.

ACKNOWLEDGMENT AND SIGNATURE UNDER OATH

Date

Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ (date)

by _____.

(notary seal)

Judicial Officer, Deputy Clerk or Notary Public

Case Number: _____

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address in court

Applicant's attorney at the above address in court

Date: _____

By _____
Clerk

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff

Case Number: _____

**ORDER REGARDING WAIVER OF SERVICE
OF PROCESS FEE FOR AN INJUNCTION
AGAINST HARASSMENT**

Name of Respondent/Defendant

UPON VERBAL AVOWAL OR WRITTEN APPLICATION AND A FINDING OF GOOD CAUSE,

IT IS ORDERED:

- WAIVER IS GRANTED** for the service of process fee.
- WAIVER IS DENIED** for the service of process fee. The applicant does not meet the financial criteria for a waiver.

DATED: _____

Judicial Officer

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address in court

Applicant's attorney at the above address in court

Date: _____

By _____
Clerk