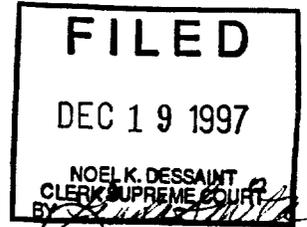


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)
)
) Administrative Order
 FEE WAIVER AND DEFERRAL) No. 97- 70
)
 PROCEDURES AND FORMS) (Replacing Administrative
)
) Order No. 93-3)

By Administrative Order 93-3, dated January 15, 1993, the Court adopted the procedures and forms for granting fee waivers and/or deferrals. Since the original adoption of the fee waiver and deferral procedures and forms, the Legislature has revised the provisions of A.R.S. § 12-302 and repealed A.R.S. § 12-306. A.R.S. § 12-302(B) directs the Supreme Court to adopt forms and procedures for applications for deferral or waiver of court costs.

Now, therefore, pursuant to Article VI, Section 3 of the Arizona Constitution.

IT IS ORDERED that the attached procedures and forms for deferral and waiver of court fees and costs are approved for use in all Arizona Courts in the form as written. Any modifications to the forms must have the approval of the Chief Justice, or his/her designee.

IT IS FURTHER ORDERED that this Administrative Order replace Administrative Order No. 93-3.

Dated this 19th day of December, 1997.

THOMAS A. ZLAKET
Chief Justice

POLICY AND PROCEDURES STATEMENT

APPLICATIONS FOR DEFERRALS OR WAIVERS OF COURT FEES AND COSTS

INTRODUCTION: The purpose of this policy is to establish procedures regarding deferral or waiver of court fees and/or costs, pursuant to A.R.S. § 12-302. State law defines 'deferral' as the postponement of an obligation to pay fees and/or costs or the establishment of a schedule for payment of fees and costs. Fees and/or costs that are waived do not have to be paid.

The court may grant a deferral of the fees and/or costs listed in Section I at any time before conclusion of the case. A waiver of fees or costs will only be granted at the conclusion of a case, except as provided in Section VI. If a deferral initially has been granted, a waiver or further deferral may be requested at the conclusion of the case.

I. FEES AND COSTS ELIGIBLE FOR DEFERRAL OR WAIVER: The following court fees and costs may be deferred or waived:

- A. Filing fees.
- B. Fees for issuance of summonses and subpoenas.
- C. Fees for obtaining one certified copy of a temporary order in a domestic relations case.
- D. Fees for obtaining one certified copy of a final order, judgment or decree in all civil proceedings.
- E. Fees for attending the Domestic Relations Education on Children's Issues Program (Parent Information Program Class) pursuant to A.R.S. § 25-355.
- F. Child support payment history.
- G. Court reporter's fees for the preparation of court transcripts if the court reporter is employed by the court.
- H. Appeal preparation and filing fees at all levels of appeal and photocopy fees for the preparation of the record on appeal.
- I. Sheriff's, marshal's, constable's, or law enforcement agency's fees for service of process if any of the following applies:
 - 1. The applicant has attempted without success to obtain voluntary acceptance of service of process.
 - 2. The applicant's attempt to obtain voluntary acceptance of service of process would be futile or dangerous.
 - 3. An order of protection or injunction against harassment exists between the parties.
- J. Fees for service by publication if service is required by law and if the applicant establishes by affidavit specific facts to show that the applicant has exercised due diligence in attempting to locate the person to be served and has been unable to do so.

NOTE: If the applicant meets the financial criteria for deferral, orders for deferral may include all fees enumerated in the above section and at a minimum must include items A through F listed above. Additional applications may be required for deferral of items G through J, if not deferred at the time of the initial application.

II. REQUIREMENTS FOR INITIAL DEFERRAL:

- A. Deferral means either postponement of the obligation to pay fees and/ or costs or the establishment of a schedule for payment of fees and/or costs. A postponement shall be granted if the applicant meets the financial criteria set forth in Section II.C. A schedule for payment may be established for applicants who do not meet these financial criteria, but who demonstrate other good cause for deferral.

At any time before conclusion of a case, a party seeking a deferral of fees and/or costs must submit an application in the form adopted by the Arizona Supreme Court. Applications not completed shall be denied. Applications may be mailed to the court or submitted in person. Eligibility for deferral may be satisfied by written application or, at the discretion of the court, by verbal avowal in open court. In accordance with state law, the applicant must sign a consent to entry of judgment, pursuant to Section III below.

- B. If the applicant requests a deferral of fees for service by a sheriff, marshal, constable, or law enforcement agency, the applicant must establish by affidavit: 1) the applicant attempted without success to obtain voluntary acceptance of service; 2) the applicant's attempt to serve the party would be futile or dangerous; or, 3) the existence of an enforceable order of protection or injunction against harassment between the parties.

If a deferral of fees for service by publication is sought, the applicant must establish by affidavit the applicant attempted unsuccessfully to locate the party to be served.

- C. To qualify for a postponement, the applicant must meet one of the following financial criteria:

1. The applicant is receiving benefits under the Temporary Assistance to Needy Families Program (TANF), the Food Stamp Program, Arizona's General Assistance Program (GA) or the Supplemental Security Income Program (SSI);

If the applicant provides supporting documentation of participation in one of the programs set forth above, no further information is required of the applicant.

2. The applicant 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 for the fees and costs that are required to gain access to the court. In determining whether income is insufficient, the court may consider the following as evidence:

- a. The applicant has a gross income that as computed on a monthly basis is 150% or less of the current poverty level established by the United States Department of Health and Human Services. Gross monthly income includes the applicant's share of community property income if available to the applicant.
- b. The applicant's income is considered to be sufficient, but the applicant provides proof of extraordinary expenses, including medical expenses, costs of care for elderly or disabled family members or other expenses that are deemed extraordinary, that reduce the applicant's gross monthly income to at or below 150% of the current poverty level established by the United States Department of Health and Human Services.

If the applicant qualifies under (2) above, supporting documentation and further information will be required of the applicant.

NOTE: Assets listed on the financial questionnaire, other than cash, shall be considered only as a basis for possible further inquiry regarding an applicant's income and not as the sole determinant for denial of waiver or deferral. In determining whether cash assets could be budgeted for the fees and costs that are required, the income, expenses, and family circumstances of the applicant first must be considered.

- D. In the event the applicant does not qualify for a postponement, but does not have the resources to pay fees and/or costs at the time of application, the court may, for good cause shown, grant a deferral and may establish a payment schedule.

- E. A written order shall be issued on every application or supplemental application made.

- F. If the application is denied, or a payment schedule set, by a special commissioner, the applicant may

request the decision be reviewed by a judge or judicial officer. The request must be made within twenty (20) days of the day the order was mailed or delivered to the applicant. If a schedule of payment has been established, payments shall be suspended until a decision is made after the judicial review. The judicial review shall be held as soon as possible.

III. CONSENT TO ENTRY OF JUDGMENT: At the time an applicant signs and submits the application for deferral to the court, the applicant shall acknowledge under oath and sign a consent to entry of judgment. By signing the consent to entry of judgment, the applicant consents to judgment being entered against the applicant for all fees and costs that are deferred and not taxed to another party, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. The term 'judgment' includes orders and decrees. Except in cases dismissed for lack of service or prosecution, the phrase 'entry of final judgment' means the date the judgment is mailed. In cases dismissed for lack of service or prosecution, if no further order is mailed by the court following service of the notice of pending dismissal, 'entry of final judgment' means the date judgment is signed.

A consent judgment shall be entered against the applicant unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. A supplemental application for waiver or further deferral remains pending;
- C. The court orders that the fees and costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, the applicant:
 - 1. Pays the fees; or,
 - 2. Requests a hearing on the court's order denying waiver or further deferral. If the applicant requests a hearing, the court shall not enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.

If an appeal is taken from the final judgment in the action or proceeding, a consent judgment shall be entered for all deferred fees and/or costs that remain unpaid thirty days after the appellate process is concluded, unless the applicant follows the procedures enumerated in Section III (A-D) above and the court denies waiver or further deferral.

IV. NOTICE OF COURT FEES AND COSTS DUE: Upon entry of the final judgment in every case where a deferral has been granted, the court shall provide notice to the applicant that judgment by consent will be entered unless the applicant files a timely supplemental application. The notice shall be sent or given to the applicant with the final judgment in the case, or the notice of dismissal for lack of service or prosecution. The notice shall include the actual date of the 30th calendar day following entry of final judgment plus the total amount of unpaid fees or costs due the court.

In the event the applicant does not agree with the total amount of unpaid fees and costs due the court, the applicant may request an itemized statement of the unpaid fees and costs at no cost to the applicant. If after reviewing the itemized statement, the applicant continues to disagree with the amount due the court, the applicant may request a hearing.

V. REQUIREMENTS FOR WAIVER OR FURTHER DEFERRAL: Except as provided in Section VI, waivers shall be granted only at the conclusion of a case. To qualify for a waiver, a supplemental application must be submitted demonstrating a permanent inability to pay. 'Permanent inability to pay' means the applicant meets the financial criteria set forth in Section II.C. Only fees which have been deferred earlier in this case may be waived.

If the applicant does not qualify for a waiver and does not have the resources to pay fees and/or costs when the supplemental application is made, the court may grant a further deferral. If further deferral is granted, the court shall establish a payment schedule.

An applicant must complete the supplemental application for waiver or further deferral in the form adopted by the Arizona Supreme Court . Applications not completed shall be denied. Applications may be mailed to the court or submitted in person. Eligibility for waiver or further deferral may be satisfied by written application or, at the discretion of the court, by verbal avowal in open court.

If the supplemental application is denied, or a payment schedule set, the applicant may request a hearing. The request must be made within twenty (20) days of the day the order was mailed or delivered to the applicant. No action for non-payment of fees shall be taken until the hearing is held.

- VI. EXCEPTION FOR INITIAL WAIVER IN LIMITED CIRCUMSTANCES:** If an applicant establishes eligibility for deferral by written application or verbal avowal, the court may waive rather than defer fees and/or costs in the following circumstances: Petitions for Injunction Against Harassment, Petitions for Order of Protection, and in other circumstances pursuant to Section IX.
- VII. NOTIFICATION OF CHANGE IN FINANCIAL CONDITION:** An applicant who is granted a deferral, or any party to the action who knows of any change in the applicant's financial circumstances, shall promptly notify the court of the change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and costs. If, within ten days after notice and a hearing, the court determines the applicant's financial circumstances have changed and that the applicant no longer meets the financial criteria, the court shall order the applicant to pay the deferred fees and costs incurred at any time during which the court determines that the applicant did not meet the financial criteria set forth in Section II.C.
- VIII. APPEARANCE OF APPLICANT IN PERSON:** The court may require the applicant to appear in person to demonstrate that the applicant meets the financial criteria for waiver, but not for deferral. The court may also request the applicant to appear if appropriate.
- IX. JUDICIAL DISCRETION:** Pursuant to A.R.S. § 12-302(M), the court has discretion to waive, defer or order the county to pay any fees and/or costs as may be necessary and appropriate. After a deferral has been granted, the court may inquire as to the applicant's financial circumstances whenever the applicant appears in court in the case.
- X. CASES PROHIBITED FOR DEFERRALS OR WAIVERS:** Neither deferrals nor waivers shall be granted for matters that are filed as class actions pursuant to Rule 23 of the Arizona Rules of Civil Procedure or civil actions that are not domestic relations cases that are filed by incarcerated felons.
- XI. NON-PAYMENT OF COURT FEES AND COSTS:** If all the requirements have been met for entry of final judgment, the court shall not withhold entry of final judgment for non-payment of deferred court fees and/or costs.
- XII. DEFERRALS OR WAIVERS FOR CASES ON APPEAL:** If a case is appealed, an applicant may be required to submit to the appellate court a new application for a deferral or waiver of that court's fees and/or costs.
- XIII. AVAILABILITY OF FORMS:** Each court shall have available at no cost the forms adopted by the Arizona Supreme Court .

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number:_____

**APPLICATION FOR DEFERRAL
OF COURT FEES AND/OR COSTS
AND
CONSENT TO ENTRY OF
JUDGMENT**

Name of Respondent/Defendant.

IMPORTANT

This Application for deferral of court fees and/or costs includes a Consent to Entry of Judgment. By signing this Consent, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. At the conclusion of the case you will receive a Notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are discussed in Statement 5 of this Application.

STATE OF ARIZONA)
COUNTY OF _____) ss

STATEMENTS MADE TO THE COURT UNDER OATH. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

I am requesting a deferral of the following fees and/or costs in my case:

- Any or all of the following: All filing fees, fees for the issuance of summonses and subpoenas, fees for obtaining one certified copy of a temporary order in a domestic relations case, a final order, judgment or decree in all civil proceedings, child support payment history and fees for attending the Domestic Relations Education on Children's Issues Program, pursuant to A.R.S. § 25-355.
- Fees for service of process by a sheriff, marshal, constable or local law enforcement agency (fill out separate affidavit form).
- Fees for service by publication (fill out separate affidavit form).
- Filing fees and photocopy fees for the preparation of the record on appeal.
- Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.

The basis for the deferral request is that I receive governmental assistance from the state/federal program(s) checked below:

- Temporary Assistance to Need Families (TANF) Food Stamps
 Supplemental Security Income (SSI) General Assistance (GA)

IF YOU CHECKED ONE OF THE BOXES ABOVE, go directly to the end of the last page and date and sign the Application in front of the clerk or a notary public. You do not need to complete other parts of this form.

OR

The basis for the deferral request is:

- 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 are required to gain access to the court. You must fill out the Financial Questionnaire below.

To determine whether income is insufficient or barely sufficient, the court will review your income and expenses. Among the factors the court may consider are:

1. Whether your gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (To see if you qualify, a table showing 150% of the poverty levels by family size is attached.) Gross monthly income includes your share of community property income if available to you.
2. If your income exceeds 150% of the poverty level, but you have proof of extraordinary expenses, including medical expenses, costs of care for elderly or disabled family members or other expenses that the court finds are extraordinary and that reduce your gross monthly income to at or below 150% of the poverty level.

OR

IF NONE OF THE ABOVE REASONS APPLY, you still may request a deferral of court fees and/or costs for good cause shown. If granted, the court either will postpone payment until the conclusion of the case or establish a schedule for you to make payments.

The basis for the deferral request is:

- 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. _____

You must fill out the Financial Questionnaire below.

FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES: List the individuals who you support (including paying child support and/or spousal maintenance):

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

ASSISTANCE: I receive assistance from:

- Arizona Health Care Cost Containment System (AHCCCS)
- Arizona Long Term Care System (ALTCS)
- Other (explain): _____

MONTHLY INCOME: My monthly income is:

Employer name: _____

Employer address: _____

Employed since (month/year): _____

Monthly gross income: \$ _____

Other current monthly income, including spousal maintenance, retirement, rental, interest, pensions, scholarships, grants, royalties, lottery winnings (explain amount and source): \$ _____

My spouse's monthly gross income (if available to me): \$ _____

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	\$ _____	\$ _____
Explain:		
Food/Household supplies	\$ _____	
Utilities/Telephone	\$ _____	
Clothing	\$ _____	
Medical/Dental/Drugs	\$ _____	
Health Insurance	\$ _____	
Nursing care	\$ _____	
Laundry	\$ _____	
Child Support	\$ _____	
Child Care	\$ _____	
Spousal Maintenance	\$ _____	
Car Insurance	\$ _____	
Gasoline/Bus Fare	\$ _____	
Contributions to Employer or Other Retirement Account	\$ _____	
TOTAL MONTHLY PAYMENTS		\$ _____

STATEMENT OF ASSETS: Equity is defined as market value minus any liens or loans. List only those assets available to you and accessible without financial penalty.

	ESTIMATED VALUE	
Cash and Bank Accounts	\$ _____	
Credit Union Accounts	\$ _____	
Equity in:		
1. Home	\$ _____	
2. Other property	\$ _____	
3. Cars/other vehicles	\$ _____	
Other, including stocks, bonds, etc.	\$ _____	
Retirement Accounts	\$ _____	
TOTAL ASSETS:		\$ _____

EXTRAORDINARY EXPENSES: Other facts that support this application are: (For example, describe and provide proof of unusual medical needs, financial hardship, costs of care of elderly or disabled family members)

DESCRIPTION	AMOUNT	
_____	\$ _____	
_____	\$ _____	
_____	\$ _____	
TOTAL EXTRAORDINARY EXPENSES		\$ _____

5. CONSENT TO JUDGMENT: By signing this Application, you agree that a judgment may be entered against you for all fees and/or costs not taxed to another party that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. Judgment automatically will be entered against you unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. You make a supplemental application for waiver or further deferral of fees and/or costs and a decision by the court is pending;
- C. The court orders that the fees and costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, you either:
 - 1. Pay the fees and/or costs; or,
 - 2. Request a hearing on the court's order denying waiver or further deferral. If you request a hearing, the court can not enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.

At the end of your case, 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.

ACKNOWLEDGMENT AND SIGNATURE UNDER OATH

Today's Date: _____ Signature: _____
 Print Your Name: _____

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on (date) _____

by _____
 My Commission Expires: _____

 Judicial Officer, Clerk or Notary Public

**TABLE OF INCOME LEVELS EQUALLING 150%
OF THE CURRENT FEDERAL POVERTY LEVELS
AS OF MARCH 10, 1997**

<u>Household Size (all related individuals)</u>	<u>Gross Monthly Income level</u>
1	\$986
2	\$1,326
3	\$1,666
4	\$2,006
5	\$2,346
6	\$2,686
7	\$3,026
8*	\$3,366

*For family units with more than 8 members, add \$340 for each additional member.

You may qualify for a deferral while your case is pending or a waiver after your case has concluded if your gross income is at or below these levels, or you have extraordinary expenses which bring your income to at or below these levels.

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number: _____

**APPLICATION FOR DEFERRAL OF COURT
COURT FEES AND/OR COSTS FOR PERSONS
RECEIVING PUBLIC ASSISTANCE
AND
CONSENT TO ENTRY OF JUDGMENT**

Name of Respondent/Defendant.

IMPORTANT

This Application for deferral of court fees and/or costs includes a Consent to Entry of Judgment. By signing this Consent, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. At the conclusion of the case you will receive a Notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are discussed in Statement 5 of this Application.

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

STATEMENTS MADE TO THE COURT UNDER OATH. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

1. I am requesting a deferral of the following fees in my case:

- Any or all of the following: All filing fees, fees for the issuance of summonses and subpoenas, fees for obtaining one certified copy of a temporary order in a domestic relations case, a final order, judgment or decree in all civil proceedings, child support payment history and fees for attending the Domestic Relations Education on Children's Issues Program, pursuant to A.R.S. § 25-355.
- Fees for service of process by a sheriff, marshal, constable or local law enforcement agency (fill out separate affidavit form).
- Fees for service by publication (fill out separate affidavit form).
- Filing fees and photocopy fees for the preparation of the record on appeal.
- Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.

2. The basis for the deferral request is that I receive governmental assistance from the state/federal program(s) checked below:

- Temporary Assistance to Need Families (TANF) Food Stamps
 Supplemental Security Income (SSI) General Assistance (GA)

IF YOU DO NOT RECEIVE ASSISTANCE FROM ANY OF THE ABOVE PROGRAMS, ask the court for the application for deferral containing the financial questionnaire.

3. **CONSENT TO JUDGMENT:** By signing this Application, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. Judgment automatically will be entered against you unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. You file a supplemental application for waiver or further deferral of fees and/or costs and a decision by the court is pending;
- C. You file a supplemental application and the court orders that the fees and costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, you either:
 - 1. Pay the fees and/or costs; or,
 - 2. Request a hearing on the court's order denying waiver or further deferral. If you request a hearing, the court can not enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.

At the end of your case, 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.

ACKNOWLEDGMENT AND SIGNATURE UNDER OATH

Today's Date: _____

Signature: _____

Print Your Name: _____

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on (date) _____

by _____

My Commission Expires:

Judicial Officer, Clerk or Notary Public

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number: _____

Name of Respondent/Defendant.

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR DEFERRAL OR
WAIVER OF SERVICE OF PROCESS
COSTS**

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

STATEMENTS MADE TO THE COURT UNDER OATH. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

I have requested a deferral of the following fees in my case:

- Fees for service of process by a sheriff, marshal, constable or local law enforcement agency:** In support of my request, I state that (check and complete any that apply):
 - I have attempted to obtain voluntary acceptance of service of process without success on the person to be served.
 - It would be useless or dangerous for me to try to obtain voluntary acceptance of service by the person to be served because (explain): _____

 - There is an enforceable Order of Protection or Injunction Against Harassment between the parties:

Fees for publication: In support of my request, I state that I have attempted to locate the person to be served but I have been unable to locate that person (check and complete any that apply):

This is what I did to try to find the other party (explain): _____

I have contacted the person(s) listed below to try to find the location of the other party.

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

ACKNOWLEDGMENT AND SIGNATURE UNDER OATH

Today's Date: _____ Signature: _____

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on (date) _____

by _____

My Commission Expires: _____ Clerk or Notary Public: _____

INFORMATION FOR SERVICE BY LAW ENFORCEMENT

You must answer this if you want a sheriff, marshal, constable or local law enforcement agency to serve papers on the other party:

To the best of my knowledge, as of (date) _____, the last known address of the person to be served was: _____

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number: _____

**ORDER REGARDING DEFERRAL
OF COURT FEES AND/OR COSTS
AND
CONSENT TO ENTRY OF JUDGMENT**

Name of Respondent/Defendant.

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

- 1. **IS NOT ELIGIBLE FOR A DEFERRAL** of fees and/or costs.
OR
- 2. **IS ELIGIBLE FOR A DEFERRAL** financial eligibility for a deferral of fees and costs. As required by state law, the applicant has signed a consent to entry of judgment.
OR
- 3. **IS ELIGIBLE FOR DEFERRAL** of fees and/or costs on good cause shown.
OR
- 4. **IS ELIGIBLE FOR WAIVER** of fees and/or costs at the courts discretion (A.R.S. § 12-302(M)).

IT IS ORDERED:

DEFERRAL DENIED for the following reason(s):

The application is incomplete because _____

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

The applicant does not meet the financial criteria for fee deferral because _____

A deferral MUST BE granted if the applicant is receiving public assistance benefits or 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/or costs necessary to gain access to the court or if the applicant demonstrates other good cause.

This is a class action.

The applicant is an incarcerated felon and this is not a domestic relations action.

- DEFERRAL GRANTED** for the following fees and/or costs in this court:
- Any or all filing fees, fees for the issuance of summonses and subpoenas, 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, child support payment history report or fees for attending Domestic Relations Education on Children's Issues Program pursuant to A.R.S. § 25-355.
 - Fees for service of process by a sheriff, marshal, constable or local law enforcement agency
 - Fees for service by publication
 - Filing fees and photocopy fees for the preparation of the record on appeal
 - Court reporter's fees of reporters or transcribers 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** (Only applies to Finding #2 or #3).
- SCHEDULE OF PAYMENTS** (Only applies to Finding #3).
The applicant shall pay \$ _____ each _____ (week, month etc.) until paid in full, beginning _____.

- WAIVER GRANTED** for all fees and/or costs of this case that may be waived under A.R.S. § 12-302(l).

RIGHT TO JUDICIAL REVIEW. If the application is denied or a payment schedule set by a special commissioner, you may request the decision be reviewed by a judge or 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 the judicial review. The judicial review shall be held as soon as possible.

CONSENT TO ENTRY OF JUDGMENT. In accordance with state law and procedures adopted by the Arizona Supreme Court, a consent judgment shall be entered against the applicant for all fees and costs that are deferred and not taxed to another party, but that remain unpaid after thirty (30) calendar days following the entry of final judgment unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. A supplemental application for waiver or further deferral remains pending;
- C. The court orders that the fees and costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, the applicant:
 1. Pays the fees; or,
 2. Requests a hearing on the court's order denying waiver or further deferral. If the applicant requests a hearing, the court shall not enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.

DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral shall promptly notify the court of the 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: _____

Signature
 Judicial Officer Special Commissioner

order.wpd

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number: _____

Name of Respondent/Defendant.

**ORDER REGARDING
FEES AND/OR COSTS IN
LIMITED CIRCUMSTANCES**

UPON VERBAL AVOWAL in open court

THE COURT FINDS that there are limited circumstances (Order of Protection, Injunction Against Harassment or other pursuant to A.R.S. § 12-302(M)) justifying a waiver and/or deferral of fees.

IT IS ORDERED: (Check all boxes that apply)

- WAIVER OF PAYMENT IS GRANTED** for filing fees.
- WAIVER OF PAYMENT IS GRANTED** for fees for service of process.
- WAIVER IS DENIED** for the following: Filing fees Fees for service of process
The applicant does not meet the financial criteria for waiver.
- DEFERRAL IS GRANTED** for filing fees. The applicant shall pay the filing fee of \$_____ On
or before (date) _____.

DATED: _____

Judicial Officer

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 and/or cause your wages to be garnished. If you do not understand this notice, you may wish to seek legal advice or contact legal aid for help.

Payment of court fees and/or costs in the amount of \$_____ has been deferred in your case. By (date) _____, you must either pay these fees or file a Supplemental Application for waiver or further deferral.

If you do not pay or file a Supplemental Application, a judgment for the total amount of unpaid fees and costs will be entered against you. The court may 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/or costs. This means that you never have to pay the fees and costs in this case.
2. Further deferral of fees and/or costs. This means that 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 owed the Court, you may request a hearing.

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number: _____

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

Name of Respondent/Defendant.

STATE OF ARIZONA)
COUNTY OF _____) ss

STATEMENTS MADE TO THE COURT UNDER OATH. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

1. I am requesting a waiver of any unpaid fees and/or costs in my case.

The basis for the waiver request is:

- I receive governmental assistance from the state/federal program(s) checked below:
- | | |
|---|--|
| <input type="checkbox"/> Temporary Assistance to Need Families (TANF) | <input type="checkbox"/> Food Stamps |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> General Assistance (GA) |

IF YOU CHECKED ONE OF THE BOXES ABOVE, go directly to the end of the last page and date and sign the Application. You do not need to complete other parts of this form.

OR

The basis for the waiver request is:

- 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 are required to gain access to the court. **You must fill out the Financial Questionnaire below.**

To determine whether income is insufficient or barely sufficient, the court will review your income and expenses. Among the factors the court may consider are:

- Whether your gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (To see if you qualify, a table showing 150% of the poverty levels by family size is attached.) Gross monthly income includes your share of community property income if available to you.
- If your income exceeds 150% of the poverty level, but you have proof of extraordinary expenses, including medical expenses, costs of care for elderly or disabled family members or other expenses that the court finds are extraordinary and that reduce your gross monthly income to at or below 150% of the poverty level.

OR

IF NONE OF THE ABOVE REASONS APPLY, you do not qualify for a waiver at this time. However, you may request a further deferral of court fees and/or costs for good cause shown. If granted, the court will establish a schedule for you to make payments.

I am requesting a further deferral of any unpaid fees and/or costs in my case. The basis for my request is

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. _____

You must fill out the Financial Questionnaire below.

FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES: List the individuals who you support (including paying child support and/or spousal maintenance):

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

ASSISTANCE: I receive assistance from:

- Arizona Health Care Cost Containment System (AHCCCS)
- Arizona Long Term Care System (ALTCS)
- Other (explain): _____

MONTHLY INCOME: My monthly income is:

Employer name: _____

Employer address: _____

Employed since (month/year): _____

Monthly gross income: \$ _____

Other current monthly income, including spousal maintenance, retirement, rental, interest, pensions, scholarships, grants, royalties, lottery winnings (explain amount and source): \$ _____

My spouse's monthly gross income (if available to me): \$ _____

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	\$ _____	\$ _____
Explain:		
Food/Household supplies	\$ _____	
Utilities/Telephone	\$ _____	
Clothing	\$ _____	
Medical/Dental/Drugs	\$ _____	
Health Insurance	\$ _____	
Nursing care	\$ _____	
Laundry	\$ _____	
Child Support	\$ _____	
Child Care	\$ _____	
Spousal Maintenance	\$ _____	
Car Insurance	\$ _____	
Gasoline/Bus Fare	\$ _____	
Contributions to Employer or Other Retirement Account	\$ _____	
TOTAL MONTHLY PAYMENTS		\$ _____

STATEMENT OF ASSETS: Equity is defined as market value minus any liens or loans. List only those assets available to you and accessible without financial penalty.

	ESTIMATED VALUE
Cash and Bank Accounts	\$ _____
Credit Union Accounts	\$ _____
Equity in:	
1. Home	\$ _____
2. Other property	\$ _____
3. Cars/other vehicles	\$ _____
Other, including stocks, bonds, etc.	\$ _____
Retirement Accounts	\$ _____
TOTAL ASSETS:	\$ _____

EXTRAORDINARY EXPENSES: Other facts that support this application are: (For example, describe and provide proof of unusual medical needs, financial hardship, costs of care of elderly or disabled family members)

DESCRIPTION	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL EXTRAORDINARY EXPENSES	\$ _____

SIGNATURE UNDER PENALTY OF PERJURY

Today's Date: _____

Signature: _____

Print Your Name: _____

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number: _____

**SUPPLEMENTAL APPLICATION FOR
WAIVER OF COURT FEES AND/OR
COSTS FOR PERSONS RECEIVING
PUBLIC ASSISTANCE BENEFITS**

Name of Respondent/Defendant.

STATE OF ARIZONA)
COUNTY OF _____) ss

STATEMENTS MADE TO THE COURT UNDER OATH. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

1. I am requesting a waiver of any unpaid fees and/or costs in my case.
2. The basis for the waiver is that I receive government assistance from the state/federal program(s) checked below :

- | | |
|---|--|
| <input type="checkbox"/> Temporary Assistance to Need Families (TANF) | <input type="checkbox"/> Food Stamps |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> General Assistance (GA) |

IF YOU DO NOT RECEIVE ASSISTANCE FROM ANY OF THE ABOVE PROGRAMS, and can not pay court fees and costs, ask the court instead for the supplemental application for waiver or further deferral containing the financial questionnaire.

SIGNATURE UNDER PENALTY OF PERJURY:

Today's Date: _____

Signature: _____

(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) _____:

1. **IS ELIGIBLE FOR A WAIVER** because
 - There are limited circumstances (Order of Protection, Injunction Against Harassment or other cases pursuant to A.R.S. § 12-302(M)) justifying a waiver of fees and/or costs.
 - The applicant is considered to be permanently unable to pay because the applicant:
 - Receives government assistance from the Temporary Assistance to Needy Families Program (TANF), the Food Stamp Program, Arizona's General Assistance Program (GA) or the Supplemental Security Income Program (SSI).
 - 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 for the fees and costs that are required (e.g., monthly gross income 150% or less of poverty level).
- OR**
2. **IS ELIGIBLE FOR FURTHER DEFERRAL** of fees and/or costs. None of the grounds set forth above apply; however, the applicant has shown good cause for further deferral. (**Court must establish a schedule of payments.**)
3. **IS NOT ELIGIBLE FOR A WAIVER OR FURTHER DEFERRAL** of fees and/or costs.

(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) _____:

1. **IS ELIGIBLE FOR A WAIVER** because
 - There are limited circumstances (Order of Protection, Injunction Against Harassment or other cases pursuant to A.R.S. § 12-302(M)) justifying a waiver of fees and/or costs.
 - The applicant is considered to be permanently unable to pay because the applicant:
 - Receives government assistance from the Temporary Assistance to Needy Families Program (TANF), the Food Stamp Program, Arizona's General Assistance Program (GA) or the Supplemental Security Income Program (SSI).
 - 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 for the fees and costs that are required (e.g., monthly gross income 150% or less of poverty level).

- OR

2. **IS ELIGIBLE FOR FURTHER DEFERRAL** of fees and/or costs. None of the grounds set forth above apply; however, the applicant has shown good cause for further deferral. **(Court must establish a schedule of payments.)**
3. **IS NOT ELIGIBLE FOR A WAIVER OR FURTHER DEFERRAL** of fees and/or costs.

IT IS ORDERED: (Check all boxes that apply)

APPLICATION DENIED for the following reasons:

It is incomplete because _____

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

This is a class action.

The applicant is an incarcerated felon and this is not a domestic relations action.

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

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

A waiver MUST BE granted if the eligibility requirements listed in Finding #1 are met.

FURTHER DEFERRAL IS GRANTED for unpaid fees and/or costs in the amount of \$_____.
The following payment schedule is established:

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

FURTHER DEFERRAL DENIED because the applicant has not demonstrated good cause.

RIGHT TO HEARING. If the supplemental application is denied, or a payment schedule set, you may request a hearing. The request must be made within twenty (20) days of the day the order was mailed or delivered to you. No action for non-payment of fees and/or costs will be taken until the hearing is held. If you do not request a hearing and no payment schedule is set, full payment is due within twenty (20) days from the day the order was mailed or delivered to you. If you do not request a hearing or pay all unpaid fees and/or costs within this time stated, a consent judgment will be entered against you for any amounts unpaid.

DATED: _____

Judicial Officer/Special Commissioner

(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 and a hearing was held

Applicant appeared

Applicant did not appear

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

1. **IS ELIGIBLE FOR A WAIVER** because

There are limited circumstances (Order of Protection, Injunction Against Harassment or other cases pursuant to A.R.S. § 12-302(M)) justifying a waiver of fees and/or costs.

The applicant is considered to be permanently unable to pay because the applicant:

Receives government assistance from the Temporary Assistance to Needy Families Program (TANF), the Food Stamp Program, Arizona's General Assistance Program (GA) or the Supplemental Security Income Program (SSI).

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 for the fees and costs that are required (e.g., monthly gross income 150% or less of poverty level).

OR

2. **IS ELIGIBLE FOR FURTHER DEFERRAL** of fees and/or costs. None of the grounds set forth above apply; however, the applicant has shown good cause for further deferral. **(Court must establish a schedule of payments.)**

3. **IS NOT ELIGIBLE FOR A WAIVER OR FURTHER DEFERRAL** of fees and/or costs.

IT IS ORDERED: (Check all boxes that apply)

APPLICATION DENIED for the following reasons:

- It is incomplete because _____

- This is a class action.
- The applicant is an incarcerated felon and this is not a domestic relations action.

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

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

A waiver MUST BE granted if the eligibility requirements listed in Finding #1 are met.

FURTHER DEFERRAL IS GRANTED for unpaid fees and/or costs in the amount of \$_____.
The following payment schedule is established:

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

FURTHER DEFERRAL DENIED because the applicant has not demonstrated good cause.

PAYMENT MUST BE MADE within twenty (20) days of the date this order is mailed or delivered to you.

CONSENT JUDGMENT. If your request for a waiver or further deferral was denied, a consent judgment for the full amount of unpaid fees and/or costs will be entered. You can avoid this by paying all unpaid fees and/or costs within twenty (20) days from the date this order was mailed or delivered to you.

DATED: _____

Judicial Officer

(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 BECAUSE:

- I am dissatisfied with the decision on the application for deferral or 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 amount due the court.

Signature: _____ Date: _____

Print your name: _____

The Court completes the following section.

IT IS ORDERED that a hearing is set.

Hearing Date: _____ Hearing Time: _____

Hearing Location: _____

Dated: _____

Judicial Officer/Special Commissioner

Mailed/hand-delivered to applicant on _____, 199_ by _____

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

Name of Petitioner/Plaintiff.

Case Number: _____

**CONSENT JUDGMENT
FOR COURT FEES AND/OR
COSTS**

Name of Respondent/Defendant.

An application for deferral of court fees and/or 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/or costs not taxed to another party that remain unpaid for thirty calendar days following entry of final judgment. Thirty (30) days have elapsed since the entry of final judgment and there are unpaid fees and/or costs which the applicant is responsible to pay.

- The applicant has not filed a supplemental request for waiver or further deferral;
OR,
- The applicant has filed a supplemental request for waiver or further deferral which has been denied by the court, **AND EITHER:**
 - Twenty (20) days have elapsed since the denial and the applicant has neither requested a hearing nor paid the unpaid fees and/or costs; **OR,**
 - Within twenty (20) days the applicant has requested a hearing and, after hearing, the court has affirmed the denial and the applicant has failed to pay the fees and/or costs within the time prescribed by the court.

JUDGMENT IS GRANTED in favor of this court and against (applicant's name) _____ and in the amount of \$_____, representing the total amount of deferred court fees and/or costs remaining unpaid that the applicant is responsible to pay, pursuant to A.R.S. § 12-302(F).

Dated: _____

Judge/Commissioner/Judge Pro Tempore