



IN THE SUPREME COURT OF THE STATE OF ARIZONA

In The Matter Of:	)	Administrative Order
	)	
FEE WAIVER AND DEFERRAL	)	No. 99- <u>31</u>
PROCEDURES AND FORMS	)	(Replacing Administrative
	)	Orders No. 97-70 and 98-5)
	)	

On December 19, 1997, by Administrative Order No. 97-70, the Court adopted revised procedures and forms for granting deferrals and waivers of court fees and/or costs for mandatory use in all Arizona courts. That Administrative Order further directed that any modifications to the forms "must have the approval of the Chief Justice, or his/her designee."

On January 28, 1998, by Administrative Order 98-5, the Administrative Director was designated by the Chief Justice to review and approve any modifications to the fee deferral and waiver forms adopted by Administrative Order 97-70.

Since adoption of the procedures and forms, the Arizona Judicial Council has approved revisions to the procedures and forms and additional forms for deferral and waiver of court fees and/or costs. The Council also has authorized discretionary modifications to the forms.

Therefore, 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 ORDERED that the attached procedures and forms are adopted for mandatory use on or before October 1, 1999, by all Arizona courts for matters concerning the granting of deferrals and waivers of court fees and/or costs. Individual court identification information (name, address and two assigned court identification numbers) must appear at the top of each form. Courts may retain discretion regarding forms to make technical formatting decisions (e.g., number of pages, line and margin spacing, and font size); use multi-part, carbonless paper; and develop non-English translations. Any other proposed alteration to or deviations from the forms as adopted, including any change of textual language, shall be submitted to the Director of the Administrative Office of the Courts for approval prior to use. In accordance with the administrative authority vested in the Supreme Court by Arizona Constitution, Article VI, Section 3, the Administrative Director hereby is authorized to approve or modify forms submitted pursuant to this Administrative Order.

IT IS FURTHER ORDERED that the Administrative Director is authorized to approve revisions to the mandatory forms hereby adopted in order to reflect changes in laws or procedures and to make other administrative amendments or corrections deemed necessary.

IT IS FURTHER ORDERED that this Order replace Administrative Orders No. 97-70 and 98-5 entered on December 19, 1997 and January 28, 1998, respectively

DATED this 19th day of May, 1999.

THOMAS A. ZLAKET  
Chief Justice

**FEE DEFERRAL AND WAIVER  
PROCEDURES AND FORMS**

**SECTION I:**

**POLICY & PROCEDURES  
STATEMENT**

# **POLICY AND PROCEDURES STATEMENT**

## **APPLICATIONS FOR DEFERRALS OR WAIVERS OF COURT FEES AND/OR 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. The court may grant a deferral of the fees and/or costs listed in Section I at any time before conclusion of the case. If a deferral initially has been granted, a further deferral (or waiver) may be requested at the conclusion of the case. Except as provided in Sections VII and X, waiver of fees and/or costs will only be granted at the conclusion of a case. Fees and/or costs that are waived do not have to be paid.

**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) pursuant to A.R.S. § 25-355.
- F. Fees for a child support payment history, if available to the court.
- 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 the requirements of Section II.B. are met.
- 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 postponement also may be granted under Section II.D. 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 may apply to the court for deferral of fees and/or costs. Written applications must be in the form adopted by the Arizona Supreme Court and may be mailed to the court or submitted in person. Applications not completed shall be denied. At the discretion of the court, application and evidence of eligibility may be 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.

- 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 that 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 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.

3. The applicant's income is greater than 150% of the current poverty level, 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 150% or less of the current poverty level.

**If the applicant qualifies under 2 or 3 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/or costs that are required, the income, expenses, and family circumstances of the applicant first must be considered.

- D. A postponement also may be granted if 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/or costs that are required to gain access to the court.

- E. 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 by establishing a payment schedule.

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

- G. If the application is denied, or a payment schedule set, by a special commissioner, the applicant 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 the applicant. 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 reasonably 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/or 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. For purposes of this section, 'entry of final judgment' means the date of mailing of the notice described in Section IV.

**IV. NOTICE OF COURT FEES AND COSTS DUE:** As soon as practicable after a final judgment, order or decree is entered by the trial court or if an appeal is taken when a mandate is issued by the appellate court, the court shall provide a notice to the applicant. The notice shall advise the applicant that unless deferred fees and/or costs not taxed to another party are paid or a supplemental application is filed in accordance with Section VI, judgment by consent will be entered. The notice shall also state the total amount of unpaid fees and/or costs due and the actual date that payment is due. Payment is due thirty (30) days after the notice is mailed.

In the event the applicant does not agree with the total amount of unpaid fees and/or costs due the court, the applicant may request an itemized statement of the unpaid fees and/or 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. CONSENT JUDGMENT:** Unless any one of the following applies, a consent judgment shall be entered against the applicant for all fees and/or costs that are deferred and remain unpaid thirty (30) days after the notice described in Section IV is mailed:

- A. Fees and/or costs are taxed to another party;
- B. Pursuant to Section VI, a supplemental application for waiver or further deferral has been filed and remains pending;
- C. In response to a supplemental application, the court orders that the fees and/or costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, the applicant either:
  - 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, a consent judgment for deferred fees and/or 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 in Section IV and for entry of a consent judgment in this section continue to apply.

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

**VI. REQUIREMENTS FOR WAIVER OR FURTHER DEFERRAL:** Except as provided in Section VII and X, 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. and D. Only fees and/or costs which have been deferred earlier in the case may be waived

Written supplemental applications must be in the form adopted by the Arizona Supreme Court and may be mailed to the court or submitted in person. Applications not completed shall be denied. At the discretion of the court, application and evidence of eligibility may be by verbal avowal in open court.

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.

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 and/or costs shall be taken until the hearing is held.

**VII. EXCEPTION FOR INITIAL WAIVER:** If an applicant establishes eligibility for deferral by written application or verbal avowal, the court may waive rather than defer fees and/or costs for Petitions for Orders of Protection and Injunctions Against Harassment or as provided in Section X.

**VIII. 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/or costs. If, within ten days after notice and the opportunity to be heard, 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/or costs. Upon request of the applicant and for good cause shown, the court may establish a payment schedule.

**IX. APPEARANCE OF APPLICANT IN PERSON:** An applicant shall not be required to appear in person to demonstrate that the applicant meets the financial criteria for a deferral unless ordered to do so by a judicial officer. An applicant seeking a waiver may be required to appear in person.

**X. 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.

**XI. CASES FILED BY INMATES:**

A. In domestic relations cases, a deferral or waiver of fees and/or costs may be granted upon application as provided above. See A.R.S. § 12-302(C), (E) and (L).

B. In other civil cases, in accordance with A.R.S. § 12-302(E) and (L), inmates are responsible for full payment of actual court fees and/or costs.

When a petition or complaint is filed by an inmate incarcerated in a correctional facility operated by the state department of corrections, the clerk shall assess a partial payment of 20% of court fees and/or costs. The court shall issue an order mandating the amount of fees and/or costs to be paid. Thereafter, the state department of corrections shall withhold from the prisoner's spendable account until full payment has been made. Applications for deferral or waiver shall not be filed.

**XII. 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.

**XIII. NON-PAYMENT OF COURT FEES AND/OR COSTS:** The court shall not withhold entry of final judgment for non-payment of deferred court fees and/or costs.

**XIV. 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.

**XV. AVAILABILITY OF FORMS:** Each court shall have available at no cost the forms adopted by the Arizona Supreme Court.

## **SECTION II:**

### **FORMS FOR INITIAL DEFERRAL**

- 1. Application for Deferral or Waiver of Court Fees for Orders of Protection and Injunctions Against Harassment and Consent to Entry of Judgment**
- 2. Application for Deferral of Court Fees and/or Costs and Consent to Entry of Judgment**
- 3. Application for Deferral of Court Fees and/or Costs for Persons Receiving Public Assistance and Consent to Entry of Judgment (optional)**
- 4. Affidavit in Support of Application for Deferral or Waiver of Service of Process Costs**
- 5. Order Regarding Waiver of Fees for Orders of Protection or Injunction Against Harassment**
- 6. Order Regarding Deferral of Fees for Orders of Protection or Injunction Against Harassment**
- 7. Order Regarding Deferral of Court Fees and/or Costs and Notice Regarding Consent Judgment**
- 8. Notice of Court Fees and/or Costs Due**

**(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)**

\_\_\_\_\_  
**Name of Plaintiff.**

**Case Number:** \_\_\_\_\_

**APPLICATION FOR DEFERRAL OR WAIVER  
OF COURT FEES FOR ORDERS OF  
PROTECTION AND INJUNCTIONS  
AGAINST HARASSMENT AND  
CONSENT TO ENTRY OF JUDGMENT**

\_\_\_\_\_  
**Name of Defendant.**

**IMPORTANT**

This Application includes a Consent to Entry of Judgment. By signing this Consent, you agree a judgment may be entered against you for all fees that are deferred but remain unpaid thirty (30) calendar days after the Notice of Court Fees and/or Costs Due is mailed to you. If payment has been postponed and not made in full when due, you will receive a Notice of Court Fees and or Costs Due indicating what steps you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are described in the Consent to Entry of Judgment section 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 or waiver of the following fees in my case:

- Filing fee
- Fee for service of process by a sheriff, marshal, constable or local law enforcement agency.

The basis for the request is:

- I receive governmental assistance from the state/federal program(s) checked below:
  - Temporary Assistance to Needy Families (TANF).       Food Stamps.
  - Supplemental Security Income (SSI).                       General Assistance.
- I have insufficient income, and payment of the fees would cause an undue hardship. (The court may require you to fill out a financial questionnaire.)

I do not have the money to pay the fees now, but could pay at a later time.

**It would be useless or dangerous for me to try to obtain voluntary acceptance of service of process.**

**NOTE:** If payment of the fees has been postponed and is not made in full when due, you will receive a Notice of Court Fees and/or 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 Application, I agree a judgment may be entered against me for all fees that are deferred but remain unpaid thirty (30) calendar days after the Notice of Court Fees and/or Costs Due is mailed to me. Judgment automatically will be entered against me unless any one of the following applies:

- A. Fees are taxed to another party;
- B. I file a supplemental application for waiver or further deferral of fees and a decision by the court is pending;
- C. In response to a supplemental application, the court orders that the fees be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, I either:
  - 1. Pay the fees; or,
  - 2. Request a hearing on the court's order denying waiver or further deferral. If I request a hearing, the court cannot 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.

**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:** \_\_\_\_\_

**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 a judgment may be entered against you for all fees and/or costs that are deferred but remain unpaid thirty (30) calendar days after the Notice of Court Fees and/or Costs Due is mailed to you. At the conclusion of the case you will receive a Notice of Court Fees and/or Costs Due 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 the Consent to Entry of Judgment Section 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: A 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; a copy of 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) marked below:

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

If you marked one of the boxes above, go directly to the end of the Financial Questionnaire, read the rest of the form and sign the Acknowledgment and Signature Under Oath. You must sign in front of the court clerk, if completed in person or a notary public if submitted by mail or a third party. Please be prepared to submit proof that you receive governmental assistance. If you are submitting this application by mail or a third party, please attach a photocopy of that proof.

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/or 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. Although your income is greater than 150% of the poverty level, you have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that the court finds are extraordinary that reduce your gross monthly income to at or below 150% of the poverty level.

OR

If none of the above reasons applies, you still may request a deferral of court fees and/or costs by marking the box below and explaining your reason. If the court decides you qualify, payment will be postponed until the conclusion of the case or a schedule of payments will be established. You must fill out the Financial Questionnaire below.

The basis for the deferral request is:

- I do not have the money to pay the court fees and/or costs now. I can pay the fees and/or costs at a later date. Explain. \_\_\_\_\_

\_\_\_\_\_

### FINANCIAL QUESTIONNAIRE

**SUPPORT RESPONSIBILITIES:** List all persons 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:

Monthly gross income: \$ \_\_\_\_\_  
 Employer name: \_\_\_\_\_  
 Employer address: \_\_\_\_\_  
 Employed since (month/year): \_\_\_\_\_

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:

	<b>PAYMENT AMOUNT</b>	<b>LOAN BALANCE</b>
Rent/Mortgage payment	\$ _____	\$ _____
Car payment	\$ _____	\$ _____
Credit card payments	\$ _____	\$ _____
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:** List only those assets available to you and accessible without financial penalty. Equity is defined as market value minus any liens or loans.

	<b>ESTIMATED VALUE</b>	
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	\$ _____	
<b>TOTAL ASSETS:</b>		<b>\$ _____</b>

**EXTRAORDINARY EXPENSES:** For example, unusual medical needs, financial hardship, costs of care of elderly or disabled family members. (Proof must be submitted.)

<b>DESCRIPTION</b>	<b>AMOUNT</b>	
_____	\$ _____	
_____	\$ _____	
_____	\$ _____	
<b>TOTAL EXTRAORDINARY EXPENSES</b>		<b>\$ _____</b>

**NOTE:** At the end of your case, you will receive a Notice of Court Fees and/or 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 and/or costs. The court will decide at that time whether or not you must pay.

If your case is dismissed for any reason, the fees and/or costs are still due.

**CONSENT TO ENTRY OF JUDGMENT:** By signing this Application, I agree a judgment may be entered against me for all fees and/or costs that are deferred but remain unpaid thirty (30) calendar days after the Notice of Court Fees and/or Costs Due is mailed to me. Judgment automatically will be entered against me unless any one of the following applies:

- A. Fees and/or costs are taxed to another party;
- B. I file a supplemental application for waiver or further deferral of fees and/or costs and a decision by the court is pending;
- C. In response to a supplemental application, the court orders that the fees and/or costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, I either:
  - 1. Pay the fees and/or costs; or,
  - 2. Request a hearing on the court's order denying waiver or further deferral. If I request a hearing, the court cannot 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 you appeal the final decision in your case, a consent judgment for deferred fees and/or costs that remain unpaid in the lower court shall not be entered until after the appeals process is concluded.

**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:** \_\_\_\_\_

**APPLICATION FOR DEFERRAL OF 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 a judgment may be entered against you for all fees and/or costs that are deferred but remain unpaid thirty (30) calendar days after the Notice of Court Fees and/or Costs Due is mailed to you. At the conclusion of the case you will receive a Notice of Court Fees and/or Costs Due 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 the Consent to Entry of Judgment section of this Application.

**NOTE: USE THIS FORM ONLY IF YOU RECEIVE PUBLIC ASSISTANCE FROM ONE OF THE FOLLOWING PROGRAMS: TEMPORARY ASSISTANCE TO NEEDY FAMILIES, SUPPLEMENTAL SECURITY INCOME, FOOD STAMPS, OR GENERAL ASSISTANCE.**

**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: Attending 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 a civil proceedings; a 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 Needy Families (TANF)       Food Stamps  
 Supplemental Security Income (SSI)                       General Assistance (GA)

**Please be prepared to submit proof that you receive governmental assistance. If you are submitting this application by mail or a third party, please attach a photocopy of that proof.**

**NOTE:** At the end of your case, you will receive a Notice of Court Fees and/or 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 and/or costs. The court will decide at that time whether or not you must pay.

If your case is dismissed for any reason, the fees and/or costs are still due.

**CONSENT TO ENTRY OF JUDGMENT:** By signing this Application, I agree that a judgment may be entered against me for all fees and/or costs that are deferred, but that remain unpaid thirty (30) calendar days after the Notice of Court Fees and/or Costs Due is mailed to me. Judgment automatically will be entered against me unless any one of the following applies:

- A. Fees and/or costs are taxed to another party;
- B. I file a supplemental application for waiver or further deferral of fees and/or costs and a decision by the court is pending;
- C. In response to a supplemental application, the court orders that the fees and/or costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, I either:
  - 1. Pay the fees and/or costs; or,
  - 2. Request a hearing on the court's order denying waiver or further deferral. If I request a hearing, the court cannot 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 you appeal the final decision in your case, a consent judgment for deferred fees and/or costs that remain unpaid in the lower court shall not be entered until after the appeals process is concluded.

### 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:  
98shapplic.wpd Revised 4/15/99

\_\_\_\_\_  
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 or waiver 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) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

An enforceable Order of Protection or Injunction Against Harassment has been granted to me against the person to be served.

**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
_____	_____
_____	_____
_____	_____

**SIGNATURE UNDER PENALTY OF PERJURY**

Today's Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Your Name: \_\_\_\_\_

**INFORMATION FOR SERVICE**

**You must provide the following information :**

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 Plaintiff.

Case Number: \_\_\_\_\_

**ORDER REGARDING WAIVER OF  
FEES FOR ORDERS OF PROTECTION  
OR INJUNCTIONS AGAINST  
HARASSMENT**

\_\_\_\_\_  
Name of Defendant.

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

**IT IS ORDERED:** (Check all boxes that apply)

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

DATED: \_\_\_\_\_

- \_\_\_\_\_  
 Judicial Officer  
 Special commissioner

(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)

\_\_\_\_\_  
Name of Plaintiff.

Case Number: \_\_\_\_\_

**ORDER REGARDING DEFERRAL OF  
FEES FOR ORDERS OF PROTECTION  
OR INJUNCTIONS AGAINST  
HARASSMENT**

\_\_\_\_\_  
Name of Defendant.

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

IT IS ORDERED: (Check all boxes that apply)

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

DATED: \_\_\_\_\_

\_\_\_\_\_  
 Judicial Officer  
 Special Commissioner

**PAYMENT DUE DATE**

The applicant shall pay the filing 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 APPLICATION IS BY VERBAL AVOWAL, THE APPLICANT MUST SIGN THE CONSENT BELOW.**

If payment of the fees has been postponed and payment is not made in full when due, you will receive a Notice of Court Fees and/or 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 Notice of Court Fees and/or Costs Due is mailed:

- A. Fees are taxed to another party;
- B. I file a supplemental application for waiver or further deferral of fees and a decision by the court is pending;
- C. In response to a supplemental application, the court orders that the fees be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, I either:
  - 1. Pay the fees; or,
  - 2. Request a hearing on the court's order denying waiver or further deferral. If I request a hearing, the court cannot 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.

### **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



**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; a 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(I).

**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 reasonably possible.

**NOTICE REGARDING CONSENT JUDGMENT:** Unless any one of the following applies, a consent judgment shall be entered against the applicant for all fees and/or costs that are deferred and remain unpaid thirty (30) days after the Notice of Court Fees and/or Costs Due is mailed to you:

- A. Fees and/or costs are taxed to another party;
- B. A supplemental application for waiver or further deferral has been filed and remains pending;
- C. In response to a supplemental application, the court orders that the fees and/or costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, the applicant either:
  - 1. Pays the fees and/or costs; 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, a consent judgment for deferred fees and/or 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/or costs and for entry of a consent judgment continue to apply.

If a consent judgment is signed and the applicant pays the fees and/or 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 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/or 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

98order.wpd  
Revised 4/15/99

## NOTICE OF COURT FEES AND/OR 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/or costs will be entered against you. This judgment may appear on your credit report and/or cause your wages to be garnished or cause other financial consequences. 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 and/or costs 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/or 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/or 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/or 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.

## **SECTION III:**

### **FORMS FOR APPELLATE COURTS**

- 1. Application for Deferral of Court Fees and/or Costs and Consent to Entry of Judgment**
- 2. Order Regarding Deferral of Court Fees and/or Costs and Notice Regarding Consent Judgment**

(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 remain unpaid after thirty (30) calendar days following the entry of final judgment. At the conclusion of the case you will receive a Notice of Court Fees and/or Costs Due 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 the Consent to Entry of Judgment Section 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:

- Filing fee - Direct Appeal or Special Action to Arizona Court of Appeals
- Filing fee - Petition for Review to Arizona Supreme Court
- Filing fee - Direct Appeal or Special Action to Arizona Supreme Court
- Filing fee - Cross-Petition for Review or Response to Petition for Review to Arizona Supreme Court

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

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

If you marked one of the boxes above, go directly to the end of the Financial Questionnaire, read the rest of the form and sign the Acknowledgment and Signature Under Oath. You must sign in front of the court clerk, completed in person or a notary public if submitted by mail or a third party. Please be prepared to submit proof that you receive governmental assistance. If you are submitting this application by mail or a third party, please attach a photocopy of that proof.

**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/or 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. Although your income is greater than 150% of the poverty level, 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 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 by marking the box below and explaining your reason. If the court decides you qualify, payment will be postponed until the conclusion of the case or a schedule of payments will be established. You must fill out the Financial Questionnaire below.

The basis for the deferral request is:

- I do not have the money to pay the court fees and/or costs now. I can pay the court fees and/or costs at a later date. Explain \_\_\_\_\_

You must fill out the Financial Questionnaire below.

## FINANCIAL QUESTIONNAIRE

**SUPPORT RESPONSIBILITIES:** List all persons 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:

Monthly gross income: \$ \_\_\_\_\_  
 Employer name: \_\_\_\_\_  
 Employer address: \_\_\_\_\_  
 Employed since (month/year): \_\_\_\_\_

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	\$ _____	
<b>TOTAL MONTHLY PAYMENTS</b>		<b>\$ _____</b>

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

	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	\$ _____	
<b>TOTAL ASSETS:</b>		\$ _____

**EXTRAORDINARY EXPENSES:** For example, unusual medical needs, financial hardship, costs of care of elderly or disabled family members. ( Proof must be submitted.)

DESCRIPTION	AMOUNT	
_____	\$ _____	
_____	\$ _____	
_____	\$ _____	
<b>TOTAL EXTRAORDINARY EXPENSES</b>		\$ _____

**NOTE:** At the end of your case, you will receive a Notice of Court Fees and/or 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 and/or costs. The court will decide at that time whether or not you must pay.

If your case is dismissed for any reason, the fees and/or costs are still due.

**CONSENT TO ENTRY OF JUDGMENT:** By signing this Application, I agree that a judgment may be entered against me for all fees and/or costs that are deferred, but that remain unpaid thirty (30) days after the Notice of Court Fees and/or Costs Due is mailed to me. Judgment automatically will be entered against me unless any one of the following applies:

- A. Fees and/or costs are taxed to another party;
- B. I file a supplemental application for waiver for further deferral of fees and/or costs and a decision by the court is pending;
- C. In response to a supplemental application, the court orders that the fees and/or costs be waived or further deferred; or
- D. Within twenty days of the date the court denies the supplemental application, I either:
  - 1. Pay the fees and/or costs, or,
  - 2. Request a hearing on the court's order denying waiver or further deferral. If I request 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

**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: \_\_\_\_\_

**ORDER REGARDING DEFERRAL  
OF COURT FEES AND/OR 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/or costs.  
OR
2.  IS ELIGIBLE FOR A DEFERRAL of fees and/or 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 DEFERRAL of fees and/or costs based on good cause shown. As required by state law, the applicant has signed a consent to entry of judgment.  
OR
4.  IS ELIGIBLE FOR WAIVER of fees and/or costs at the court's 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.**
  - The applicant does not meet the financial criteria for 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:
- Filing fee - Direct Appeal or Special Action to Arizona Court of Appeals.
  - Filing fee - Petition for Review to Arizona Supreme Court
  - Filing fee - Direct Appeal or Special Action to Arizona Supreme Court
  - Filing fee - Cross-Petition for Review or Response to Petition for Review to Arizona Supreme Court

**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(I).

**NOTICE REGARDING CONSENT JUDGMENT.** Unless any one of the following applies, a consent judgment shall be entered against the applicant for all fees and/or costs that are deferred and remain unpaid thirty (30) days after the Notice of Court Fees and/or Costs Due is mailed to you:

- A. Fees and/or costs are taxed to another party;
- B. A supplemental application for waiver or further deferral remains pending;
- C. In response to a supplemental application, the court orders that the fees and/or costs be further deferred or waived; or
- D. Within twenty days of the date the court denies the supplemental application, the applicant:
  - 1. Pays the fees and/or costs; 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 any change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and/or 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     Clerk of Court

## **SECTION IV:**

### **FORMS FOR WAIVER OR FURTHER DEFERRAL**

- 1. Supplemental Application for Waiver or Further Deferral of Court Fees and/or Costs**
- 2. Supplemental Application for Waiver of Court Fees and/or Costs for Persons Receiving Public Assistance Benefits**
- 3. Order on Supplemental Application (Without Hearing)**
- 4. Request and Order for Hearing**
- 5. Order on Supplemental Application (After Hearing)**
- 6. Consent Judgment for Court Fees and/or Costs**

**(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.

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

If you marked one of the boxes above, go directly to the end of the Financial Questionnaire, read the rest of the form and sign the Signature Under Penalty of Perjury. Please be prepared to submit proof that you receive governmental assistance. If you are submitting this application by mail or a third party, please attach a photocopy of that proof.

**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/or costs that are required to gain access to the court. **You must fill out the Financial Questionnaire below.**

To determine whether your 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 applies, 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 fees and/or costs now. I can pay the fees and/or costs at a later date. Explain. \_\_\_\_\_

You must fill out the Financial Questionnaire below.

### FINANCIAL QUESTIONNAIRE

**SUPPORT RESPONSIBILITIES:** List all persons 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:

Monthly gross income: \$ \_\_\_\_\_  
Employer name: \_\_\_\_\_  
Employer address \_\_\_\_\_  
Employed since (month/year): \_\_\_\_\_

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:

	<b>PAYMENT AMOUNT</b>	<b>LOAN BALANCE</b>
Rent/Mortgage payment	\$ _____	\$ _____
Car payment	\$ _____	\$ _____
Credit card payments	\$ _____	\$ _____
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	\$ _____	
<b>TOTAL MONTHLY PAYMENTS</b>		<b>\$ _____</b>

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

	<b>ESTIMATED VALUE</b>
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	\$ _____
<b>TOTAL ASSETS:</b>	<b>\$ _____</b>

**EXTRAORDINARY EXPENSES:** For example, unusual medical needs, financial hardship, costs of care of elderly or disabled family members. (Proof must be submitted.)

<b>DESCRIPTION</b>	<b>AMOUNT</b>
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>TOTAL EXTRAORDINARY EXPENSES</b>	<b>\$ _____</b>

**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.

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

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

**Please attach supporting documentation to this supplemental application.**

**NOTE:** If you do not receive assistance from any of the above programs, and cannot pay court fees and/or costs, ask the court instead for the supplemental application containing the financial questionnaire.

**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:**\_\_\_\_\_

\_\_\_\_\_  
**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** because

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/or costs that are required (e.g., monthly gross income is 150% or less of poverty level).

The court exercises its discretion to grant a waiver as necessary and appropriate (A.R.S. § 12-302(M)).

**OR**

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

**OR**

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

**IT IS ORDERED:** (Check all boxes that apply)

- WAIVER 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 for a waiver are met.

- FURTHER DEFERRAL IS GRANTED** for unpaid fees and/or 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 DENIED** because the applicant has not demonstrated good cause.
- APPLICATION DENIED:**

It 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/or 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 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:** \_\_\_\_\_

**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:** \_\_\_\_\_

**Print your name:** \_\_\_\_\_

**The Court completes the following section**

IT IS ORDERED scheduling a hearing on the above matter.

**Hearing Date:** \_\_\_\_\_ **Hearing Time:** \_\_\_\_\_

**Hearing Location:** \_\_\_\_\_

**Hearing Officer:** \_\_\_\_\_

**Dated:** \_\_\_\_\_  
\_\_\_\_\_  
Judge/Special Commissioner

Mailed/handed to applicant on \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

**(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)**

\_\_\_\_\_  
**Name of Petitioner/Plaintiff.**

**Case Number:** \_\_\_\_\_

\_\_\_\_\_  
**Name of Respondent/Defendant.**

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

**A SUPPLEMENTAL APPLICATION WAS FILED AND A HEARING WAS HELD.**

- Applicant appeared                       Applicant did not appear

**THE COURT FINDS** that the applicant (print name) \_\_\_\_\_:

**IS ELIGIBLE FOR A WAIVER** because

- The applicant is considered to be permanently unable to pay:
  - 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/or costs that are required (e.g., monthly gross income is 150% or less of poverty level).
- The court exercises its discretion to grant a waiver as necessary and appropriate. (A.R.S. § 12-302(M)).

**OR**

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

**OR**

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

**IT IS ORDERED:** (Check all boxes that apply)

- WAIVER 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 for a waiver are met.

- FURTHER DEFERRAL IS GRANTED** for unpaid fees and/or 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 DENIED** because the applicant has not demonstrated good cause.  
**NOTE:** Payment must be made within twenty days (20) days of the date this order is mailed or handed to you in court.

- APPLICATION DENIED:**  
It is incomplete because \_\_\_\_\_

You are encouraged to submit a complete application before a consent judgment is entered against you.  
**NOTE:** Payment must be made within twenty days (20) days of the date this order is mailed or handed to you in court.

**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 was mailed or handed to you.

DATED: \_\_\_\_\_

- \_\_\_\_\_  
 Judicial Officer  
 Special Commissioner

(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. MORE THAN 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 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/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 (print applicant's name here) \_\_\_\_\_ 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner/Judge Pro Tempore

# **SECTION V:**

## **SAMPLE FORMS**

- 1. Order Regarding Assessment and Collection of Inmate Court Fees and/or Costs**
- 2. Financial Questionnaire**

**(COURT'S JURISDICTIONAL NAME AND ADDRESS HERE)**

\_\_\_\_\_  
**Name of Petitioner/Plaintiff.**

**Case Number:** \_\_\_\_\_

**ORDER FOR ASSESSMENT AND  
COLLECTION OF INMATE COURT  
FEES AND/OR COSTS**

\_\_\_\_\_  
**Name of Respondent/Defendant.**

**THE COURT FINDS** that Petitioner/Plaintiff is an inmate confined to a correctional facility operated by the State Department of Corrections who has initiated a civil action or proceeding, other than an action or proceeding for dissolution of marriage or establishment, enforcement or modification of child support. The amount of fees and/or costs due to date is \$\_\_\_\_\_. (OR ALTERNATIVELY: "A STATEMENT OF FEES AND/OR COSTS DUE IS ATTACHED.") In accordance with A.R.S. § 12-302(E),

**IT IS ORDERED** that a first time payment of twenty percent (20%) is assessed as a partial payment of the amount due. If monies exist, the State Department of Corrections shall deduct this amount from the inmate's spendable account and remit it to the court.

**IT IS FURTHER ORDERED** that the clerk of the court shall forward to the State Department of Corrections an updated accounting of the amount of actual court fees and/or costs.

**IT IS FURTHER ORDERED** that the State Department of Corrections shall withhold twenty percent (20%) of all deposits in the inmate's spendable account until the actual court fees and/or costs are collected in full and shall annually forward any monies collected to this court. Upon the inmate's release, the State Department of Corrections shall forward the amount of fees and/or costs collected through the date of the release.

**IT IS FURTHER ORDERED** that a copy of this order be mailed to the State Department of Corrections, Bureau of Business and Finance, and to the inmate personally.

DATED: \_\_\_\_\_

\_\_\_\_\_  
 Judicial Officer       Special Commissioner

**FINANCIAL AFFIDAVIT FOR ORDERS OF PROTECTION  
AND INJUNCTIONS AGAINST HARASSMENT**

**MONTHLY INCOME:**

Monthly gross income from wages/salary: \$ \_\_\_\_\_  
 Other current monthly income, including spousal support, retirement, rental, interest, pension, annuity, commission, social security, unemployment, worker's compensation, etc. \$ \_\_\_\_\_  
**TOTAL MONTHLY INCOME:** \$ \_\_\_\_\_

**MONTHLY EXPENSES/DEBTS:**

	<b>PAYMENT AMOUNT</b>	<b>LOAN BALANCE</b>
Rent/mortgage payment	\$ _____	\$ _____
Car payment	\$ _____	\$ _____
Credit card payments	\$ _____	\$ _____
Other payments & debts	\$ _____	\$ _____
Explain:		
Food/household supplies	\$ _____	
Utilities/telephone	\$ _____	
Clothing/laundry	\$ _____	
Medical/dental/drugs	\$ _____	
Health insurance	\$ _____	
Child/spousal support	\$ _____	
Child care	\$ _____	
Car insurance	\$ _____	
Gasoline/bus fare	\$ _____	
Contributions to retirement account	\$ _____	
<b>TOTAL MONTHLY PAYMENTS</b>		\$ _____

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

	<b>ESTIMATED VALUE</b>
Cash and bank accounts	\$ _____
Credit union accounts	\$ _____
Equity (market value minus any liens or loans) in:	
1. Home	\$ _____
2. Other property	\$ _____
3. Cars/other vehicles	\$ _____
Other, including stocks, bonds, etc.	\$ _____
Retirement accounts	\$ _____
<b>TOTAL ASSETS:</b>	\$ _____

**EXTRAORDINARY EXPENSES:** List any expenses that justify your request for deferral of waiver of court fees or costs (for example, unusual medical needs, care of elderly or disabled family members or any other financial hardship).

<b>DESCRIPTION</b>	<b>AMOUNT</b>
_____	\$ _____
_____	\$ _____
<b>TOTAL EXTRAORDINARY EXPENSES</b>	\$ _____