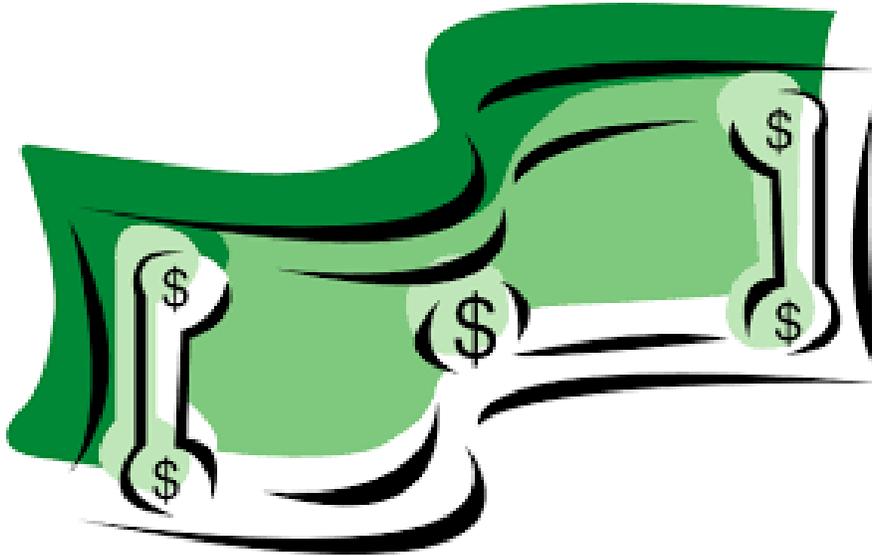


# DEFERRAL AND WAIVER OF FEES AND COSTS



## Packet #5



These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) the users' reliance upon the instructions or information provided.

# General Information & Frequently Asked Questions



## **What court fees and costs are charged?**

There are expenses in a court case. You are charged fees when you file certain court papers, such as petitions, and when you serve the other party. To find out the exact fees and costs for your case, contact the clerk of the court at **(520) 724-3200**.

## **Who pays the court costs?**

Usually the person filing documents or asking for service pays the fees and costs. Sometimes, at the end of your case, the court might order the other party to reimburse you for some, or all the court fees and costs.

## **What if I cannot pay the fees and costs?**

If you cannot pay the court fees and costs, you can request a deferral or a waiver using this packet.

With a **deferral** you will not have to pay any fees and costs at the beginning of your case, but you will be expected to pay at some time in the future. You may be able to pay on a payment schedule. Please note that not everyone who requests a deferral receives one. The court will consider your ability to pay and the urgency of your case when deciding whether to grant or deny your application.

With a **waiver** you do not have to pay any court fees or costs. Usually the court only grants waivers at the end of a case.

***If you receive a deferral at the beginning of your case,  
you can still ask for a waiver later.***

## Should I see a lawyer for help?



Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you and what is best in your particular situation. This might save you time, money, and trips to court and help you to avoid serious mistakes.

There are lawyers who will help you on a limited basis. They will only charge for giving the help you need, and you can complete the court papers on your own or ask the lawyer for help.

For more information, call the Self-Service Center at **(520) 724-8456** and ask how to find an attorney.

## What do I do after I complete the forms?

After completing the forms using the instructions in this packet, you must file the forms with the court. The Clerk of the Court is located on the first floor of the Superior Court Building at 110 West Congress, Tucson, AZ 85701. The office is open 8 am to 9 pm, Monday through Friday, except legal holidays. Arrive at the court at least an hour before it closes.

The clerk will take your original forms, stamp them, and send them to a judge for review.

**YOU SHOULD FILE YOUR REQUEST FOR DEFERRAL / WAIVER AT THE  
SAME TIME AS YOU FILE YOUR PETITION OR RESPONSE.**

This packet contains two forms and the instructions for completing them:

- Application for Deferral / Waiver of Court Costs / Fees
- Order Regarding Deferral / Waiver of Court Fees / Costs



# Instructions for Application for Deferral / Waiver of Court Fees / Costs

## Caption

**Personal Information-** Fill in your name, street address, city, state, ZIP code, telephone number.

**Attorney Bar Number & Attorney E-mail Address** – Leave blank.

**Representing** – Check box “Self (Without an Attorney).”

**Case No.** – Enter your Superior Court Number, found on the Petition. If you are the petitioner filing this at the same time as your Petition, leave this blank until the clerk assigns you a case number.

## 1. DEFERRAL

If you already receive assistance from the government in the form of Temporary Assistance to Needy Families (TANF), Food Stamps, or Legal Aid Services:

- Check “DEFERRAL” and the boxes of any services you receive.
- Attach proof of assistance. The document must show your name and the name of the agency.

## 2. WAIVER

If you already receive government assistance from the federal Supplemental Security Income (SSI) program:

- Check “WAIVER” and the box indicating that you receive SSI.
- Attach proof of assistance. The document(s) must show your name and the name of the agency.

**IF YOU CHECKED ANY BOXES IN PARTS 1 OR 2**, you **do not** need to complete the Financial Questionnaire.



Go directly to “OATH OR AFFIRMATION” on page 8.

### 3. FINANCIAL QUESTIONNAIRE

#### a. SUPPORT RESPONSIBILITIES

- Write the name of each person you support and their relationship to you. This includes your children that live with you (natural or adopted), children for whom you pay child support, and people to whom you pay spousal maintenance.

#### b. STATEMENT OF INCOME AND EXPENSES

- Write the name of your employer (if you are employed).
- Write your employer's telephone number.
- Check if you are unemployed.
  - On the lines, explain why you are unemployed.
- Write your gross income from last year (before deductions).

#### c. MONTHLY INCOME

- Write:
  - Your total monthly gross income (before deductions).
  - Your spouse's monthly gross income (before deductions), only if you have access to it.
  - Any other monthly income payments you receive, including spousal maintenance, child support, retirement, rentals, interest, and lottery winnings.
- Add the amounts in the three lines above to determine your Total Monthly Income and write the total amount on the line.

#### d. MONTHLY EXPENSES AND DEBTS

- For each item, write the amount you pay *monthly* and the balance of any loans. Your amounts must be accurate statements of actual expenses.
- Write the amount you pay monthly for:
  - Rent or mortgage payment (and any loan balance)
  - Car payment (and any loan balance)
  - Credit card payments (and any loan balance)
  - Other payments & debts (and any loan balance)
    - Explain these payments & debts on the line at the bottom of this section. Attach an additional page if needed.
  - Household expenses
  - Utilities, telephone, and cable bills
  - Medical, dental, and medication expenses

- Health insurance
- Nursing care
- Tuition
- Child support
- Childcare
- Spousal maintenance
- Car insurance
- Transportation
- Other expenses
  - Explain these other expenses on the line. Attach an additional page if needed.
- Add the amounts in this section to determine your **Total Monthly Expenses**.
  - Write the amount on the line.

**e. STATEMENT OF ASSETS**

- Here you should only list assets that you have access to without having to pay a penalty (such as an early withdrawal fee).
- Write the estimated total values for:
  - Cash and bank accounts
  - Credit union accounts
  - Other readily available money
- Add the amounts in this section to determine your **Total Assets**.
  - Write the total amount on the line.

**f. BASIS FOR THE REQUEST**

- If you can't pay the court fees and costs now, but you may be able to at a later date:
  - Check "**DEFERRAL**"
    - Check the box appropriate to your situation. You may need to use the table on page 8 to determine what level of income you have:
- If you are permanently unable to pay court costs and fees because your income and readily available money are barely enough to pay for the daily essentials of life AND your situation is not likely to change in the foreseeable future:
  - Check "**WAIVER**"



**If your financial situation changes, you must tell the court. Even if you cannot pay now, you must pay later if you have the money to do so.**

### **Consent to Judgment**

When you sign the Application for Deferral, you are also giving your consent for the Court to enter a judgment against you. That judgment will be for all the fees and costs that were **deferred** and remain unpaid thirty (30) days after your final judgment is entered.

If you are still unable to pay these fees and costs at the end of your case, see the Clerk of the Court for a Supplemental Application for Deferral / Waiver of Court Fees / Costs. You can use these same instructions to guide you in completing the Supplemental Application.

If you have a deferral or waiver of costs and fees because you are receiving government assistance, and you are still receiving government assistance when your case is completed, you **do not** have to complete the Supplemental Application. There is a presumption that the court will waive your costs & fees.

### **OATH OR AFFIRMATION**

In signing this application, you promise that everything in the form is correct.



**Do not sign or date** the form except in front of a notary. When you file the papers with the court, sign the form in front of the clerk. The clerk will notarize your signature for free. You must bring a valid, government-issued picture ID (such as a driver's license) so the clerk knows whose signature is being verified.

You can write your name on the line above "Applicant's Printed Name," but do not sign.

**TABLE OF INCOME LEVELS OF THE CURRENT FEDERAL POVERTY LEVELS  
AS OF JANUARY 25, 2016 for the 48 Contiguous States and the District of Columbia**

Household Size*	Gross Monthly Income Level 150%	Gross Monthly Income Level 175%	Gross Monthly Income Level 200%	Gross Monthly Income Level 225%
1	\$1,485.00	\$1,732.50	\$1,980.00	\$2,227.50
2	\$2,002.50	\$2,336.25	\$2,670.00	\$3,003.75
3	\$2,520.00	\$2,940.00	\$3,360.00	\$3,780.00
4	\$3,037.50	\$3,543.75	\$4,050.00	\$4,556.25
5	\$3,555.00	\$4,147.50	\$4,740.00	\$5,332.50
6	\$4,072.50	\$4,751.25	\$5,430.00	\$6,108.75
7	\$4,591.25	\$5,356.46	\$6,121.67	\$6,886.88
8**	\$5,111.25	\$5,963.13	\$6,815.00	\$7,666.88

\*All related individuals

\*\*For family units with more than 8 members, add \$520.00 for each additional member at the 150% level, \$606.67 at the 175%, \$693.33 at the 200% level, and \$780.00 at the 225% level.

You may qualify for a deferral of court fees 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 that bring your income to or below these levels.

ARIZONA SUPERIOR COURT, PIMA COUNTY

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

STATE OF ARIZONA )
COUNTY OF PIMA ) ss.

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

\_\_\_\_\_  
Name of Petitioner/Plaintiff

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

\_\_\_\_\_  
Name of Respondent/Defendant

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

I am requesting a deferral or waiver of all fees including: filing a case, issuance of a summons or subpoena, one certified copy of a temporary order in a family law case, one certified copy of the court's final order, preparation of the record on appeal, court reporter's fees of reporters or transcribers, service of process costs, and/or service by publication costs. (I have completed the separate Affidavit in Support of Application for Deferral or Waiver of Service of Process Fees form if I am asking for service of process costs, or service by publication costs.) I understand that if I request deferral or waiver because I am a participant in a government assistance program, I am required to provide proof at the time of filing. The document(s) submitted must show my name as the recipient of the benefit and the name of the agency awarding the benefit. Note. All other applicants must complete the financial questionnaire beginning at section 3. If you are a participant in one of the programs in section 1 or 2 (below), you do not need to complete the financial questionnaire, and can proceed to the signature page.

- 1. [ ] DEFERRAL: I receive government assistance from the state or federal program marked below or am represented by a not for profit legal aid program:
[ ] Temporary Assistance to Needy Families (TANF)
[ ] Food Stamps
[ ] Legal Aid Services

- 2. [ ] WAIVER:
[ ] I receive government assistance from the federal Supplemental Security Income (SSI) program.

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

**NAME**

**RELATIONSHIP**

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

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

**STATEMENT OF INCOME AND EXPENSES**

Employer name: \_\_\_\_\_

Employer phone number: \_\_\_\_\_

[ ] I am unemployed (explain): \_\_\_\_\_

My prior year's gross income: \$ \_\_\_\_\_

**MONTHLY INCOME**

My total monthly gross income: \$ \_\_\_\_\_

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

Other current monthly income, including spousal maintenance/support,  
retirement, rental, interest, pensions, and lottery winnings: \$ \_\_\_\_\_

**TOTAL MONTHLY INCOME** \$ \_\_\_\_\_

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

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

**TOTAL MONTHLY EXPENSES** \$ \_\_\_\_\_

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

	<b>ESTIMATED VALUE</b>
Cash and bank accounts	\$ _____
Credit union accounts	\$ _____
Other liquid assets	\$ _____

**TOTAL ASSETS** \$ \_\_\_\_\_

The basis for the request is:

4.  DEFERRAL:

A.  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. My gross income as computed on a monthly basis is 150% or less of the current federal poverty level. (Note: Gross monthly income includes your share of community property income if available to you.)

OR

B.  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.**

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

OR

C.  My income is greater than 150% of the poverty level, but have proof of extraordinary expenses (including medical expenses and costs of care for elderly or disabled family members) or other expenses that reduce my gross monthly income to 150% or below the poverty level.

**DESCRIPTION OF EXPENSES**

**AMOUNT**

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

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**TOTAL EXTRAORDINARY EXPENSES**

\$ \_\_\_\_\_

5.  WAIVER:

I am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and are unlikely to change in the foreseeable future.

**IMPORTANT**

This "Application for Deferral or Waiver of Court Fees 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 costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. At the conclusion of the case you will receive a *Notice of Court Fees and Costs Due* indicating how much is owed and what steps you must take to avoid a judgment against you if you are still participating in a qualifying program. You may be ordered to repay any amounts that were waived if the court finds you were not eligible for the fee deferral or waiver. If your case is dismissed for any reason, the fees and 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 or costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment.

**OATH OR AFFIRMATION**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Applicant's Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer, Deputy Clerk or Notary Public

\_\_\_\_\_  
My Commission Expires/Seal:



# Instructions for Order Regarding Deferral / Waiver of Service of Process Fees

## Caption

**Case No.** – Enter your Superior Court Number, found on the Petition. If you are the petitioner filing this at the same time as your Petition, leave this blank until the clerk assigns you a case number.

**Petitioner** – Enter the Petitioner's name.

**Respondent** – Enter the Respondent's name.

## THE COURT FINDS

Write your name on the line as the applicant

**THIS IS ALL THAT YOU COMPLETE ON THIS FORM.**

**THE JUDGE WILL DECIDE THE ORDER AND YOU WILL RECEIVE A COPY  
WHEN IT IS SIGNED.**

**WHEN THE FORM IS RETURNED TO YOU, READ IT CAREFULLY.**

**IF YOUR REQUEST WAS DENIED, YOU MAY BE ABLE  
TO RESUBMIT YOUR APPLICATION.**

**IF YOU ARE ORDERED TO PAY FEES OR COSTS, YOU MUST MAKE A  
PAYMENT WITHIN THIRTY (30) DAYS.**

ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Name of Petitioner/Plaintiff

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

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

\_\_\_\_\_  
Name of Respondent/Defendant

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

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

**IT IS ORDERED:**

**DEFERRAL IS DENIED** for the following reason(s):

- The application is incomplete because \_\_\_\_\_  
**You are encouraged to submit a complete application.**
- The applicant does not meet the financial criteria for deferral because \_\_\_\_\_

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

**DEFERRAL IS GRANTED** for the following fees and costs in this court:

- Any or all filing fees; fees for the issuance of either a summons and subpoena; or fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.
- Fees for service of process by a sheriff, marshal, constable or law enforcement agency.
- Fees for service by publication.
- Filing fees and photocopy fees for the preparation of the record on appeal.
- Court reporter or transcriber fees if employed by the court for the preparation of the transcript.

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

- NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE.**

**SCHEDULE OF PAYMENTS.**

The applicant shall pay \$\_\_\_\_\_ each \_\_\_\_\_ (week, month etc.), one half to the clerk's office and one half to the Sheriff's Department until paid in full, beginning \_\_\_\_\_

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

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

Any or all filing fees; fees for the issuance of either a summons or subpoena; or fees for obtaining one certified copy of a temporary order in a domestic relations case or a final order, judgment or decree in all civil proceedings.

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

Fees for service by publication.

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

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

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

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

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

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

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

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

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

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