

FEE DEFERRAL OR WAIVER Simplified Application

**To Delay or Waive Payment of Court
Fees/Costs**
(at the beginning of the case)

APPLYING FOR FEE WAIVER AND DEFERRAL IS A 2-STEP PROCESS

A “**waiver**” means no payments

A “**deferral**” means a payment plan or payments are postponed

STEP 1



Apply for a fee waiver or deferral

When your case ends and there is a final order/decreed/judgment, you will receive a Notice with the amount and date due

Fees are due 30 days after final order/decreed/judgment is issued in your case, **UNLESS** you complete STEP 2

STEP 2

Submit a Supplemental Application if your financial situation has not changed and fees may be waived

or

Establish a payment plan and make timely payments

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing Self or Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

Name of Petitioner/Plaintiff

Case Number: _____

-vs-

Name of Respondent/Defendant

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

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 course of this court action.
- In the Application, "I" and "you" refer to either the "Applicant" (in all case types, except for probate) or the "Estate/Ward/Protected Person" (in probate cases).

1. I cannot pay the following fees and costs in my case:

- Any or all filing fees, fees for the issuance of either a summons or subpoena, the cost of attendance at an educational program for divorce and legal separation cases required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, fees for obtaining one certified copy of a temporary order in a family court 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 for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

***NOTE:** To defer or waive fees for service of process or for service by publication, you must also complete the **Affidavit in Support of Application for Deferral or Waiver of Service of Process Fee** form (Form No. AOCDFGF3F).

2. I am requesting a deferral or waiver of fees and costs in my case because:

A. I receive government assistance from the federal Supplemental Security Income (SSI) program.*

I have attached the required **proof** that I participate in the **Supplemental Security Income program**. The proof shows my name as the benefit's recipient and the name of the agency that provides the benefit.

Supplemental Security Income (SSI) is **NOT the same as regular retirement benefits from the Social Security Administration or Social Security Disability Insurance (SSDI)*

OR

B. I receive government assistance from the state or federal program marked below:

Temporary Assistance to Needy Families (TANF)

Food Stamps

I have attached the required **proof** that I participate in a **government assistance** program. The proof shows my name as the benefit's recipient and the name of the agency that provides the benefit.

CONSENT TO ENTRY OF JUDGMENT

By signing this Application, I agree that a consent judgment may be entered against me for all fees or costs that are deferred but remain unpaid 30 calendar days after entry of the final judgment, decree, or order unless I establish a payment plan and make timely payments, or I submit a Supplemental Application and the court has not made a ruling on it.

You will receive a **Notice of Court Fees and Costs Due** from the court indicating (1) how much is owed and (2) what steps to take to avoid a consent judgment against you.

NOTE: 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.

If you are asking for deferral or waiver for service of process costs, or service by publication costs, you must complete the **Affidavit in Support of Application for Deferral or Waiver of Service of Process Fee** form (Form No. AOCDFGF3F).

Case Number: _____

**OATH OR AFFIRMATION FOR SIMPLIFIED APPLICATION FOR DEFERRAL OR
WAIVER OF COURT FEES AND COSTS**

I declare under penalty of perjury that I have read the above statements and to the best of my knowledge and belief these statements are true and correct.

Date

Applicant's Signature

Applicant's Printed Name

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing Self or Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

Name of Petitioner/Plaintiff

Case Number: _____

-vs-

Name of Respondent/Defendant

**ORDER REGARDING DEFERRAL
OR WAIVER OF COURT FEES AND
COSTS**

THE COURT FINDS that the applicant or estate/ward/protected person, _____
_____ (print name):

1. IS NOT ELIGIBLE FOR A DEFERRAL or FOR A WAIVER 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.

At the court's discretion (A.R.S. § 12-302(L)).

Good cause shown. As required by state law, the applicant has signed a consent to entry of judgment.

OR

3. IS ELIGIBLE FOR A WAIVER of fees and costs based on:

Applicant is permanently unable to pay.

At the court's discretion (A.R.S. § 12-302(L)).

IT IS ORDERED:

WAIVER IS DENIED for the following reasons:

- This is a class action. (A.R.S. § 12-302(K))
- The applicant is an ADOC inmate awaiting transportation to ADOC facilities or a non-ADOC inmate, and this is not a domestic relations action. (A.R.S. § 12-302(K))
- The applicant was previously declared a vexatious litigant by any court, and this is not a domestic relations case. (A.R.S. § 12-302(K))
- The applicant is not permanently unable to pay or the applicant has not established a receipt of benefits from the Supplemental Security Income (SSI) program. (ACJA § 5-206(F))

WAIVER IS GRANTED for the following 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, the cost of attendance at an educational program required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, and fees for obtaining one certified copy of a temporary order in a family court 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 for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

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:

- The applicant did not provide proof that they are receiving public assistance benefits from the Temporary Assistance to Needy Families (TANF) program or Food Stamps;
- The applicant did not provide documentation that they are currently receiving services from a non-profit legal aid program;
- The applicant did not provide documentation that their income is insufficient or barely sufficient to meet the daily essentials of life and includes no allotment that could be budgeted to pay the fees and costs necessary to gain access to the court;

Other reason: _____

The applicant is an incarcerated felon, and this is not a domestic relations action. (A.R.S. § 12-302(E))

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 or subpoena, the cost of attendance at an educational program required by A.R.S. § 25-352, court accountant fees and costs, court investigator fees and costs, fees for obtaining one certified copy of letters of temporary or permanent appointment, and fees for obtaining one certified copy of a temporary order in a family court 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 for the preparation of court transcripts, if the court reporter or transcriber is employed by the court.

IF A DEFERRAL IS GRANTED, APPLICANT MUST PAY AS FOLLOWS:

NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE OR AT THE CONCLUSION OF YOUR CASE.

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

PAYMENT DUE DATE. The applicant must pay the service of process fee of \$_____ on or before _____.

RIGHT TO JUDICIAL REVIEW. If the court denies your application or sets a payment plan for you, you may request a judicial officer to review the decision by filing a **Request and Order for Hearing** (Form No. AOCDFGF12F). You must file the request within 20 days of the day the order was mailed or delivered to you. If the court sets a payment plan for you, no payments will be due until the court reviews the request. The court will review the request as soon as reasonably possible.

If you do not pay the service of process fees when they are due, you will receive a **Notice of Court Fees and Costs Due**. The **Notice of Court Fees and Costs Due** will remind you that you may submit a **Supplemental Application** (Form No. AOCDFGF9F) for further deferral or waiver if you believe you still cannot afford to pay your court fees. The court will review your **Supplemental Application** and decide at that time whether or not you must pay.

