

# FEE DEFERRAL APPLICATION

# 1

**To Delay Payment of Court Fees/Costs**  
(at the beginning of the case)  
**For Family Court, Tax, Civil,**  
**Juvenile (Non-guardianship), and**  
**Mental Health Cases**

© Superior Court of Arizona in Maricopa County  
Packet Last Revised January 2009  
GNF1c - 5310  
ALL RIGHTS RESERVED



## SELF-SERVICE CENTER

### DEFERRAL OF FEES AND/OR COSTS IN FAMILY COURT, JUVENILE, TAX, MENTAL HEALTH OR CIVIL CASES

This packet contains court forms and instructions to apply for deferral or waiver of court fees and/or costs in family court (domestic relations), non-guardianship juvenile, tax, mental health and/or civil cases. The documents should appear in the following order:

Order	File Number	Title	# pages
1	GNF1t	Table of Contents (this page)	1
2	GNF1k	Checklist: <i>You may use these forms if . . .</i>	1
3	GNF12h	Helpful Information on the Request for Deferral / Waiver	1
4	GNF11h	Instructions: How to Apply For Deferral or Waiver of Court Fees and Costs	3
5	GNF10f	<b><i>“Deferred Fee Application Information”</i></b>	1
6	GNF11f	<b><i>“Application for Deferral or Waiver . . . and Consent to Entry of Judgment”</i></b>	4
7	GNF18f	<b><i>“Order Regarding Deferral or Waiver . . . and Notice Regarding Consent Judgment”</i></b>	3
8	GNF21f	<b><i>“Affidavit Supporting Deferral or Waiver of Service Costs”</i></b>	2

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

**SELF-SERVICE CENTER  
FEE DEFERRAL AND/OR WAIVER**

**CHECKLIST**

*You may use this the forms and instructions in this packet if . . .*

- ✓ You need to have payment of filing fees and/or other court fees and costs deferred, that is, *you need to pay later*, **AND**
- ✓ Your case is a family court (domestic relations), civil, non-guardianship juvenile, tax, or mental health case, **AND**
- ✓ You understand that since **waivers**, which excuse payment completely, are rarely granted at the beginning of a case, if your request for deferral is granted you will later receive either a bill for the full amount or a payment plan from the Court, **AND**
- ✓ You understand that when you receive that bill or payment plan, you may then file a **“Supplemental Application for Further Deferral or Waiver”** to request more time to pay or for the court to waive payment of fees and costs completely, **AND**
- ✓ You understand that filing these forms *does not guarantee* your fees will be deferred or waived, but that deferral or waiver will be granted if you meet the requirements established by law.
- ✓ You understand that effective February 1, 2009, *if your request for deferral is granted*, a charge of \$26 will be added to your deferred fees.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at: [www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/)

# REQUEST FOR FEE DEFERRAL

## **PLEASE READ AND FOLLOW ALL INSTRUCTIONS**

ARS 12-302

Effective January 1, 2003, individuals who are financially unable to pay their court fees will be given a Deferral at the time of filing of documents if he/she qualifies for either a Deferral or a Waiver. The payment required at the time of filing will be based on the information you provide in your financial questionnaire. **Please be aware that if you claim government assistance, you must provide current proof of such.**

- A full fee deferral is given until the case is completed; then the court determines what fees, if any, will be paid. This option is given to applicants whose income does not exceed 150% of the established poverty guidelines.
- \$10 per month is paid until the amount is paid in full. This option is given to applicants whose income is greater than 150% but less than 175% of the established poverty guidelines.
- Twenty-five percent of the fee is paid upfront, and the remaining amount is paid over the next three months. This option is given to applicants whose income is greater than 175% but less than 225% of the established poverty guidelines.
- The full amount is paid at the time of filing. This payment method occurs when the applicant's income is greater than 225% of the established poverty guidelines. In this case, the full payment is required at the time of filing and the applicant's request for a fee deferral is denied.

A review procedure by a judicial officer is established for exceptional cases.

Requests for deferrals are accepted at the Clerk of the Court's Filing Counters. The Clerk of the Court now accepts bank issued credit cards (Visa/MasterCard) as a form of payment for fee deferrals.

DEFERRAL applications must be completely filled out. If not, your application will be rejected and the Deferral will be denied.

## Self-Service Center

# INSTRUCTIONS: HOW TO APPLY FOR A DEFERRAL OR WAIVER OF COURT FEES AND COSTS

1. **WHAT COURT FEES OR COSTS ARE CHARGED?** Arizona law requires the court to charge fees and costs when a court user files certain court papers and/or needs other court services. There are various fees and costs charged for different kinds of cases, depending on what you want or need to do. You can find out the exact fees and costs that are charged for any particular matter by calling the Clerk of the Court at 602-506-6185.

Here are the most common events for which fees and costs are charged:

- To file a Complaint, Petition, Answer, or Response to a new court case;
- To file a post-decree Petition or Response in a Family Court case, for example, to enforce or modify a court order for child support, custody, or visitation;
- For the issuance by the Clerk of Court for a Summons or Subpoena;
- For service of process or costs of service by publication;
- To get a copy or a certified copy of any court order or judgment or paperwork;
- To file an appeal of a case to a higher court;
- To photocopy court papers for the record on appeal;
- To pay for court reporter or transcriber fees of court trials or hearings.

2. **WHO PAYS THE COURT FEES AND COSTS?** Usually the person who wants to file a certain court document, or who wants a certain court service, must pay the fees and costs at the time the filing or the service is done. At the end of the court case the judge might order that one or the other party pay all the costs and fees, which means the party who is ordered to do so must pay back the other party who already paid court fees or costs. If you are handling your own court case, be prepared to pay various fees and costs along the way.

3. **WHAT ABOUT A PARTY WHO CANNOT PAY COURT FEES OR COSTS?** Sometimes, for very serious reasons, a party cannot pay court fees and costs at the time of filing court papers or asking for another court service. If this happens, the party can apply for a **DEFERRAL** or **WAIVER** of court costs and fees.

- A **WAIVER** means that the party does **not** have financial resources to pay now, and will not be able to do so in the future. As a general rule, waivers are only given at the **end** of a case. The only time you can get a waiver at the **beginning** of a case is if you are filing for an Order of Protection, or an Injunction Against Harassment.
- A **DEFERRAL** means that even though the party cannot pay now, he or she may be able to pay in the future. Because you may be able to pay in the future, in most cases, you will get a DEFERRAL rather than a WAIVER, because everyone needs to bear his or her fair share of the court fees and costs. If at the end of your case, you meet the financial criteria and still cannot pay your court fees, you can ask the Court to further defer or waive your court fees and costs.

4. **COURT PAPERWORK FOR A DEFERRAL OR WAIVER OF COURT FEES AND COSTS:**

**A. APPLICATION FOR DEFERRAL OF COURT FEES AND/OR COSTS and CONSENT TO JUDGMENT:** You must file the Application with the Clerk of the Court. You should know that

the "**Application for Deferral of Court Fees and/or Costs**" includes a "**Consent to Entry of Judgment.**" By signing this document, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment. At the conclusion of the case, you will receive a notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. In filling out the Application, check the boxes that apply to your situation as follows:

- Paragraph 1. Check the boxes that tell the court what fees and/or costs you need deferred.
- Paragraph 2. Read paragraph A to see if you receive any governmental assistance. If you do and have proof, check the box that applies to your situation and then fill out the Financial Questionnaire. If you do not receive governmental assistance, go to paragraph 3.
- Paragraph 3. Check box B or box C and then fill out the Financial Questionnaire. If your financial condition gets better, you must tell the court, so that even if you cannot pay now, you must pay later if you have the money to do so.

**B. ORDER FOR DEFERRAL OR WAIVER:** Do not fill out this form except for caption, which includes the name of the petitioner/plaintiff, name of the respondent/defendant. The Special Commissioner will fill out this form after he or she has reviewed your application. This form tells you whether your costs have been waived, deferred or denied.

**C. AFFIDAVIT SUPPORTING DEFERRAL OR WAIVER OF SERVICE COSTS:** A deferral or waiver of fees to pay the sheriff for personal service, or the newspaper for publication of service, must be applied for separately. To do so, fill out the form described in Section 4(A) above, and the additional court form called Affidavit Supporting Deferral or Waiver of Service Costs. Here are some important points:

- **For service by the sheriff:** Did you try to ask the other party to voluntarily accept service? If not, you must have a very good reason.
- **For publication of service:** Why are you publishing instead of using another method of service? This is important, not only to get fees waived or deferred, but because service by publication is only used as a last resort. **BE SURE TO READ THE SELF-SERVICE CENTER INSTRUCTIONS ON SERVICE BEFORE YOU SERVE BY PUBLICATION.** This could save you time, effort, and difficulty!

## 5. HOW DO I APPLY FOR A DEFERRAL?

- A.** Complete the court paperwork for the "**Application for Deferral of Court Fees and/or Costs**" and "**Consent to Entry of Judgment**" along with the court papers you want to file for whatever court proceeding you are involved with. If you are hand-delivering the Application to the Clerk of the Court, **DO NOT SIGN** the Application until you get to the Filing Counter. If you are *mailing* your Application to the Clerk of the Court, you will need to sign the Application in front of a Notary Public before you mail your application.
- B.** IT IS ALWAYS A GOOD IDEA TO COME **IN PERSON TO APPLY** FOR A DEFERRAL OR WAIVER, however, you can mail the application to the Clerk of the Court, 201 West Jefferson, Phoenix, Arizona 85003. The Special Commissioner will review your application, determine if you qualify for a deferral or waiver, and notify you as to whether you qualify for a deferral or waiver.

- C. Take the Application and all the other court papers to the Clerk of Court Filing Counter.
- D. Hand your papers over to the Clerk. If you have not had your signature notarized, you will need to present a photo ID for the Clerk to verify your signature. The Special Commissioner will usually make the decision whether to grant the Application based on the information in the Application. Occasionally the Application is sent to a Judge to determine if the Application should be approved.
- E. If the Application is granted, file the court papers for the court process you are involved with. If the Application is denied, pay the fee or costs. If you do not agree with the Court's decision, you can request a hearing in front of a Judge.
- F. If the Deferral or Waiver is for Personal Service by the sheriff, take the papers that need to be served, along with a copy of the Order of Deferral or Waiver, to the sheriff. Instructions on how to do this are contained on the help sheet that is in the packet on service of process.
- G. If the Deferral or Waiver is for Publication, follow the instructions that are contained on the help sheet that is in the packet on service of process.
- H. **REMINDER.** If you still cannot pay the fees and costs at the end of the case, and believe you should receive a further deferral (a payment plan) or waiver, you must file a **"Supplemental Application"** at the end of the case, or a Consent Judgment will be entered against you. You will receive instructions on how to do this at the end of the case.

**OTHER HELP.** Court personnel can answer certain limited questions about court procedures but are unable to give legal advice. If you have questions about matters requiring legal advice, the Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the web at:

[www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/)

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS  
ARE AVAILABLE AT THE SELF-SERVICE CENTER OR ON THE INTERNET AT:**  
<http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/forms/>

CASE NUMBER: \_\_\_\_\_

Plaintiff/Petitioner \_\_\_\_\_

DATE: \_\_\_\_\_

Defendant/Respondent \_\_\_\_\_

**DEFERRED FEE APPLICATION INFORMATION**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

SSN: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE(H): ( ) \_\_\_\_\_ PHONE (W): ( ) \_\_\_\_\_

DO YOU HAVE AN ATTORNEY?  YES  NO PHONE (Cell): ( ) \_\_\_\_\_

*(FOR COURT USE ONLY: Do Not Write in this Section (except for your signature, below)).*

**FINANCIAL STATUS OF A DEFERRED FEE**

FEE CODE # \_\_\_\_\_ TYPE \_\_\_\_\_ \$ \_\_\_\_\_

FEE CODE # \_\_\_\_\_ TYPE \_\_\_\_\_ \$ \_\_\_\_\_

FEE CODE # \_\_\_\_\_ TYPE \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL AMOUNT OF FEES THAT HAVE BEEN DEFERRED: \$ \_\_\_\_\_

AMOUNT OF PARTIAL PAYMENT PAID AT TIME OF FILING: \$ \_\_\_\_\_

BALANCE: \$ \_\_\_\_\_

    CASH  CHECK

CREDIT CARD # \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

LAST 3 DIGITS ON SIGNATURE PANEL: \_\_\_\_\_

BALANCE OF DEFERRED FEE(S) DUE ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

I (APPLICANT) SHALL MAKE ( WEEKLY  MONTHLY) PAYMENTS OF \$ \_\_\_\_\_

FINAL PAYMENT IS DUE ON OR BEFORE (BUT NO LATER THAN) THE DUE DATE ABOVE.

ANY BALANCE LEFT OUTSTANDING AFTER THE DUE DATE WILL BE SENT TO A COLLECTIONS AGENCY.

APPLICANT SIGNATURE: \_\_\_\_\_

*(FOR COURT USE ONLY: Do Not Write in this Section (except for your signature, below)).*

**ASSISTANCE RECEIVED/ INCOME INFORMATION**

- TANF (TEMPORARY ASSISTANCE TO NEEDY FAMILIES)  SSI
- FOOD STAMPS  GENERAL ASSISTANCE
- COMMUNITY LEGAL SERVICE  < 150%

APPLICANT SIGNATURE: \_\_\_\_\_

**APPLICANT**

Complete all information in this section.

**Special Commissioner**

Complete all information for each deferred fee in this section.

**Special Commissioner**

Complete this section if a payment plan is set up.

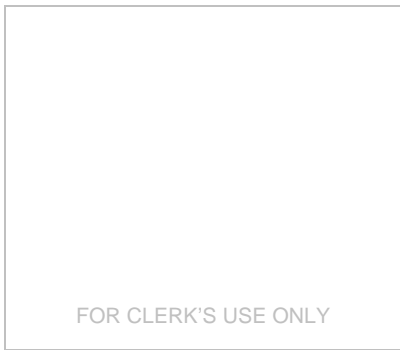
Cross out if deferred until further notice.

**Applicant:**

**Special Commissioner**

Check why deferred until further notice.

**Applicant:**



FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

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

STATE OF ARIZONA )
COUNTY OF MARICOPA ) ss

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 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 step you must take to avoid a judgment against you if you are still unable to pay. Addition details about this process are discussed in the "Consent to Entry of Judgment" Section of this Application.

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

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

- [ ] Any or all of the following: All filing fees, fees for the issuance of 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 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 request is:

- 1. [ ] 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 unlikely to change in the foreseeable future.

2.  **DEFERRAL:**

- A.  **I receive governmental assistance from the state/federal program(s) marked 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 either boxes 1 or 2A, you must complete the Financial Questionnaire. 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**

- B.  **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.**

**NOTE:** 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. Gross monthly income includes your share of community property income if available to you.
2. If your income is greater than 150% of the poverty level, but 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**

- C.  **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.** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**If you checked either boxes 2B or 2C, you must complete the Financial Questionnaire. You must sign this application in front of the court clerk or a notary public, if submitted by mail or a third party.**

**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**

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

**TOTAL MONTHLY PAYMENTS** \$ \_\_\_\_\_

**STATEMENT OF ASSETS:** 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	\$ _____

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

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

Case No. \_\_\_\_\_

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

**NOTE:** If you receive a deferral and have unpaid fees at the end of your case you will receive a Notice of Court Fees and Costs Due. This is to remind you that you may submit a supplemental application for further deferral or waiver if you believe you need more time to pay or cannot afford to pay your court fees and costs. The court will decide at that time whether or not you must pay. If you do not file a supplemental application, the original deferral order remains in effect and a consent judgment may be entered against you if you do not pay within thirty calendar days after entry of final judgment.

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 and/or costs that are deferred but remain unpaid after thirty (30) calendar days after entry of final judgment. Judgment may be entered against me unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. I have an established schedule of payments in effect and I am current with those payments;
- C. I filed a supplemental application for waiver of further deferral of fees and costs and ad 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 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.

### OATH OR AFFIRMATION

**The contents of this document are true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date Signed or Affirmed

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

My Commision Expires/Seal:

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

\_\_\_\_\_  
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/or 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 DEFERRAL** of fees and/or costs at the court's discretion. (A.R.S. §12-302(L)).  
**OR**
- 4.  **IS ELIGIBLE FOR 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.
- 5.  **IS ELIGIBLE FOR WAIVER** of fees and costs because the applicant is permanently unable to pay.
- 6.  **IS ELIGIBLE FOR WAIVER** of fees and costs at the court's discretion (A.R.S. §12-302(L)).
- 7.  **IS NOT ELIGIBLE FOR WAIVER** of fees and costs.

**IT IS ORDERED:**

- 1.  **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.**

2.  **DEFERRAL GRANTED** for the following fees and/or costs in this court:

- Any or all filing fees; fees for the issuance of a summons and subpoena; 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:**

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

**SCHEDULE OF PAYMENTS**

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

3.  **WAIVER DENIED** for all fees and/or costs of this case.

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

- Any or all filing fees; fees for the issuance of a summons and subpoena; 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.

5. **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 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.

6. **NOTICE REGARDING CONSENT JUDGMENT.** Unless any one of the following applies, a consent judgment shall 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 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 cannot enter the consent judgment unless a hearing is held, further waiver or 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).

**7. DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES.** An applicant who is granted a deferral shall promptly notify the court of the change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and/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 or  Special Commissioner

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

FOR CLERK'S USE ONLY

**SUPERIOR COURT OF ARIZONA  
 IN MARICOPA COUNTY**

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

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

**AFFIDAVIT SUPPORTING DEFERRAL OR  
 WAIVER OF SERVICE COSTS**

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

STATE OF ARIZONA                    )  
 COUNTY OF MARICOPA            ) <sup>ss</sup>

**STATEMENTS MADE TO THE COURT UNDER OATH OR AFFIRMATION. 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 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 injunction against harassment or order of protection 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: \_\_\_\_\_.

(Street Address, City and State)