

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

**IN THE SUPERIOR COURT OF ARIZONA
IN COCHISE 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.

NOTICE REGARDING CONSENT JUDGMENT. A consent judgment may be entered against you for all fees or costs that are deferred but remain unpaid 30 calendar days after entry of the final judgment, decree, or order UNLESS:

- A. The fees and costs are taxed to another party.
- B. You establish a payment plan and make timely payments.
- C. You file a Supplemental Application, and the court has not made a ruling on it.
- D. In response to the Supplemental Application, the court orders the fees and costs to be waived or further deferred.
- E. Within 20 days of the date the court denies the Supplemental Application,
 - o You pay the fees and costs.
 - o You request 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 given by the court.

If you appeal the final order, decree, or judgment, unpaid court fees are due 30 days after the appeals process ends. The procedures for notice of court fees and costs and for entry of a consent judgment continue to apply.

DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral or waiver must promptly notify the court of any change in financial circumstances during the course 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

NOTE: IF THE APPLICATION IS BY VERBAL AVOWAL, THE APPLICANT MUST SIGN THE CONSENT TO ENTRY OF JUDGMENT.

I CERTIFY that I mailed/delivered a copy of this document to:

Applicant at the above address, in court, hand delivered, by email
 Applicant’s attorney at the above address, in court, hand delivered, by email

_____ By _____
Date Clerk