SELF SERVICE CENTER

INSTRUCTIONS: HOW TO APPLY FOR FURTHER DEFERRAL (a payment plan) OR WAIVER OF COURT FEES AND COSTS

USE THIS PACKET only if you have a court order that defers your court fees and costs **and** you have received a notice from the court telling you that you must now pay your court fees and costs or file a Supplemental Application to have your court fees waived or further deferred.

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 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. If this packet applies to you, you have asked the court to defer your court fees and costs and the court has done so. You will have received a notice from the court that you must now pay your court fees and/or costs, or file a Supplemental Application to further defer or waive your fees and costs.

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.

3. WHAT ABOUT A PARTY WHO CANNOT PAY COURT FEES OR COSTS? Sometimes, or 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 at the beginning of the case. If this packet applies to you, you will have already received a deferral at the beginning of the case.

- A **WAIVER** means that the party does not have financial resources to pay now, and probably cannot do so in the future. Generally, 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 although the party cannot pay now, he or she can probably pay in the future. Because you can probably pay in the future, most often, 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 waive or further defer your court fees and costs. If the court defers the court fees and costs, you will be put on a payment plan and required to pay a certain amount of money to the court each month.

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

A. SUPPLEMENTAL APPLICATION FOR WAIVER OR FURTHER DEFERRAL OF COURT FEES AND/OR COSTS: You must file the Supplemental Application with the Clerk of the Court. You should know that if the court does not waive or further defer the court fees and costs, and if you do not pay the court fees and costs a Consent Judgment will be signed by the Judge and recorded against you. If you disagree with the court's decision regarding the Supplemental Application, you can request a hearing. The hearing forms are contained in this packet, too. In filling out the Application, check the boxes that apply to your situation as follows:

- ☐ Paragraph 1. Read paragraph 1(A) to see if you receive any governmental assistance. If you do check the box that applies to your situation and then go directly to the end of the last page and date and sign the Application in front of the clerk or notary public. If you do not receive governmental assistance, go to paragraph 1(B).

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☐ Paragraph 1(B). Read paragraph 1(B) to see if you believe your income is insufficient or is barely sufficient to meet the daily essentials of life. If you do, check the box and then fill out the Financial Questionnaire. If your income is sufficient to meet the daily essentials of life, go to paragraph 2.

☐ Paragraph 2. Read paragraph 2 if paragraph 1(A) and 1(B) do not apply to you. Then explain to the court why you do not have the money to pay your court fees and costs now. Then fill out the Financial Questionnaire.

B. ORDER ON SUPPLEMENTAL APPLICATION (WITHOUT HEARING): Do not fill out this form except for the caption which includes the name of the petitioner/plaintiff, name of the respondent/ defendant and your case number. 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, further deferred or denied. If you do not agree with the decision of the Special Commissioner, ask the Special Commissioner for the Request for Hearing form and the Order on Supplemental Application (After Hearing).

5. HOW DO I APPLY FOR FURTHER DEFERRAL or WAIVER?

A. Complete the Supplemental Application and the caption of the Order on Supplemental Application (without hearing). You must personally appear at the court if you are asking the court to waive your court fees and costs unless it will be an extraordinary hardship for you to do so. For example, you live outside the Phoenix Metropolitan area, or you are confined to your home due to illness, and so forth. If you are asking for a further deferral (payment plan), you can mail your Supplemental Application to the court

B. Take the Supplemental Application to the Clerk of Court at the court location where you filed your court papers originally on or before the date you were told to file the Supplemental Application. If you are mailing the Supplemental Application, mail it to the Clerk of the Court, 201 West Jefferson, Phoenix, Arizona 85003. Make sure the Supplemental Application gets to the Clerk of the Court on or before the date you were told to file the Supplemental Application. The Special Commissioner will review your application, determine if you qualify for further deferral or waiver, and notify you whether you qualify for further deferral or waiver.

C. If your court fees and costs are **waived**, that means you **never** have to pay the court fees and costs. If your court fees and costs are further **deferred** that means that you will be put on a **payment plan**, and you will need to pay the court a certain amount each month or a consent judgment will be signed against you. If you do not agree with the court's decision, you can request a hearing in front of a judge. Ask the Special Commissioner for the form Request for Hearing and Order.

6. OTHER HELP. If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys." Also, the Self-Service Center has a list of lawyers who will help you help yourself. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is. Visit the Self-Service Center at the Courthouse to get the names of some lawyers on the list or go to the Internet at www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/

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