SELF-SERVICE CENTER

HELPFUL INFORMATION ABOUT JUVENILE GUARDIANSHIP and HOW TO APPLY FOR A DEFERRAL OF COURT FEES

1. WHEN ARE COURT FEES OR COSTS CHARGED? There are various fees and costs to file papers to pursue court cases for guardianship. Here are the common fees and costs:

A. Guardianship for a Minor:

- To file A **PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN** for a minor
- To file an **OBJECTION TO ANY PETITION**, if this is first time you filed court papers in this case

B. To give legal notice of the case to anyone entitled to notice by law:

- Costs vary, depending on where the person is located, or how many times the sheriff or process server tries to serve the person.

C. Other costs:

- For the issuance by the Clerk of Court for a Subpoena;
- To get your fingerprints taken and to pay the costs for processing the completed fingerprint card; (Note: This fee cannot be waived or deferred.)
- 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.

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You can find the exact fees and costs that are charged for any particular matter by calling the Clerk of the Court at 602-506-6185 or on their website at:
http://clerkofcourt.maricopa.gov/fees.asp

2. WHO PAYS THE COURT FEES AND COSTS?

For Guardianships of Minors: Fees and costs related to a guardianship matter are the responsibility of the petitioner. If the child's estate is sufficient, the guardian can file court papers later asking to be reimbursed for the amount of the costs and fees incurred.

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 probably cannot do so in the future. Generally, waivers are only given at the end of a case.

B. DEFERRAL means that **although the party cannot pay now**, he or she can probably pay in the future. That is why the Court will most likely grant you 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.

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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 unless the Judge has already waived the fees/costs, 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:** Check the box that tells the court what your interest is in the case
- **Paragraph 3:** Read **Paragraph 3** 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 deputy clerk or notary public**. If you do not receive governmental assistance, go to **Paragraph 4**

- **Paragraph 4:** Check box A or box B 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. Affidavit in Support of Application for 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 IN SUPPORT OF APPLICATION FOR 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 not doing so.
- **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!

C. Order for Deferral or Waiver: Do not fill out this form except the caption that 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.

D. Request for Hearing: DO NOT FILL OUT THIS FORM. Take this form to the Court with you when you make your request to have your costs waived or deferred. Use this form only if your application for deferral/waiver has been denied and you want a hearing to tell the Judge why your costs should be deferred or waived.

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 JUDGEMENT along with the court papers you want to file for whatever court preceding you are involved with. **Do not sign** the Application until

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you get to the Filing Counter if you are hand-delivering the Application to the Juvenile Court Clerk. You can sign the Application at the Court, when you go to the Filing Counter and avoid the cost of paying a Notary Public. 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. Take the Application and all the other court papers you need to file to the filing counter of the Clerk of Court at the court location where you filed the papers. Information on how to know whether to file in the Juvenile Court's Durango location or the Juvenile Court's Southeast Facility in Mesa is contained on the instruction sheets that go with the court papers for the court process you are filing on.

NOTE: It is always a good idea to come in **person to apply** for a DEFERRAL OR WAIVER**,** unless you have a medical or other good reason to why you cannot appear in person. However, you can mail the application to the Juvenile Court Clerk; The Special Commissioner will review your application, determine if you qualify for a deferral or waiver, and notify you about whether you qualify for a deferral or waiver.

C. Give the **original** Application and sign it in front of the Deputy Clerk. The Special Commissioner (or sometimes a Judge) will usually decide whether to grant the Application or not, depending on the information given in the Application.

D. 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 decision, you can request a hearing in front of a Judge. Use the form REQUEST FOR HEARING AND ORDER in your packet.

E. If the Deferral or Waiver is for Personal Service by the sheriff, take the papers that need to be served, along **with a CERTIFIED 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.

F. If the Deferral or Waiver is for Publication, follow the instructions contained on the help sheet that is in the packet on service of process.

G. REMINDER. If you still cannot pay the fees and costs at the end of the case, and believe you should receive a waiver or further deferral (payment schedule), 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.

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 Court or on the Internet at to get the names of some of the lawyers on this list:

http://www.superiorcourt.maricopa.gov/ssc/sschome.html

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ALL FORMS REFERRED TO IN THESE INSTRUCTIONS ARE AVAILABLE AT THE SELF-SERVICE CENTER.

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