PINAL COUNTY JUSTICE COURTS

DEFERRAL OR WAIVER OF FEES

INSTRUCTIONS & FORMS

PINAL COUNTY
Apache Junction Justice Court
Eloy Justice Court
Superior/Kearny Justice Court
Maricopa/Stanfield Justice Court

JUSTICE COURTS
Casa Grande Justice Court
Florence/Coolidge Justice Court
Mammoth/San Manuel Justice Court
Oracle Justice Court

Arizona law requires the court to charge filing fees, service fees and other fees to cover costs. Court fees are due at the time of filing or at the time of requesting service.

If you wish to file a civil (civil, small claims, forcible detainer, or injunction against harassment) case and you cannot afford to pay the applicable court fee(s) you may apply for a fee deferral or waiver. The court will review your financial situation as presented in the application to determine if you qualify for a fee deferral or waiver. If the court grants you a deferral, you may be required to pay a portion of the fee now and be given additional time to pay the balance. If you are granted a waiver you will not be required to pay the fee(s).

Fees that may be included in a request for deferral or waiver are:

- Filing fees or Answer fees
- Constable Service fees (some restrictions apply)
- Summons or Subpoena Issuance fees
- Appeal Preparation and Filing fees
- One Certified Copy fee (final judgment)

If your fees are deferred, upon final judgment in your case, the court will send you a notice of fees due. You have 20 days after the final judgment to: pay the amount due, request additional time to pay, or apply for a fee waiver. If no request is made within 20 days the full payment is due.

FORMS NEEDED:

- ✓ Application for Deferral of Court Fees and/or Costs and Consent to Entry of Judgment. (*Use this form **or** the next, below*)
- ✓ Application for Deferral or Waiver of Service of Process Fees for Injunctions Against Harassment and Consent to Entry of Judgment.
- ✓ Affidavit in Support of Application for Deferral or Waiver of Service of Process Costs.

INSTRUCTIONS:

1) Fill out applicable Application for Deferral of Fees and/or Costs and Consent to Entry of Judgment form. Be sure to check the boxes that tell the court which fees and/or costs you need deferred or waived. ***If you receive government assistance, please attach current proof.*** **DO NOT sign the application form until you are either in the presence of a notary public or a court clerk.**
2) If you are requesting that service fees be deferred or waived, complete the Affidavit in Support of Application for Deferral or Waiver of Service of Process Costs form.
3) Make two copies of each completed form and file with the court clerk.

Print Form

Pinal County Justice Courts, State of Arizona

SELECT A COURT FROM THE DROP DOWN ARROW AT RIGHT >>>>>>

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

Case Number: _____

_____	_____
_____	_____
_____	_____
_____	_____
Plaintiff(s) Name / Address / Phone	Defendant(s) Name / Address / Phone

IMPORTANT

This Application for Deferral of Court Fees and 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 steps you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are discussed in the Consent to Entry of Judgment section of this application.

STATE OF ARIZONA)
COUNTY OF PINAL) ss

STATEMENTS MADE TO THE COURT UNDER OATH. 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 or waiver of the following fees and 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 law enforcement (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) checked below:**

☐ Temporary Assistance for Needy Families (TANF) ☐ Food Stamps

☐ Supplemental Security Income (SSI) for disabilities ☐ General Assistance (GA)

If you checked either boxes 1 or 2a, 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 third party. You must also submit proof that you receive governmental assistance. If you are submitting this application by mail or a third party, you must attach a photocopy of that proof.

OR

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☐ **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. Although your income is greater than 150% of the poverty level, 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 the court fees and costs now. I can pay the fees and 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.

Print Form

FINANCIAL QUESTIONNAIRE

SUPPORT RESPONSIBILITIES: List all persons you support (including paying child support and spousal maintenance):

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT OF INCOME AND EXPENSES

ASSISTANCE: I receive assistance from:

- ☐ Arizona Health Care Cost Containment System (AHCCCS)
- ☐ Arizona Long Term Case 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, retirement, rental, interest, pensions, dividends, 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:

	PAYMENT AMOUNT	LOAN BALANCE
Rent/Mortgage payment	$ _____	$ _____
Car payment	$ _____	$ _____
Credit card payments	$ _____	$ _____
Other payments & debts	$ _____	$ _____
Explain:		
Food/Household supplies	$ _____	
Utilities/Telephone	$ _____	
Clothing	$ _____	
Medical/Dental	$ _____	
Nursing care	$ _____	
Laundry	$ _____	
Child support	$ _____	
Child care	$ _____	
Spousal maintenance	$ _____	
Car insurance	$ _____	
Gasoline/Bus fare	$ _____	
Retirement/Deferred comp.	$ _____	
TOTAL MONTHLY PAYMENTS		$ _____

Print Form

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.)

DESCRIPTION	**AMOUNT**
_____	$ _____
_____	$ _____
_____	$ _____

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 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 (30) calendar days after the 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 a judgment may be entered against me for all fees and costs that are deferred but remain unpaid 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 file 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 (20) days of the date the court denies the supplemental application, I either:
   1. Pay fees and costs; or
   2. Request a hearing on the court's order denying further deferral or waiver. If I 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 prescribed by the court.

If you appeal the final decision in your case a consent judgment for deferred fees and costs that remain unpaid in the lower court shall not entered until after the appeals process is concluded.

ACKNOWLEDGEMENT AND SIGNATURE UNDER OATH

Today's Date: _____ Signature: _____

Print Your Name: _____

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on (date) _____

By _____. _____

My Commission expires: Judicial Officer, Clerk or Notary Public

Print Form

Pinal County Justice Courts, State of Arizona

SELECT A COURT FROM THE DROP DOWN ARROW AT RIGHT >>>>>>

APPLICATION FOR DEFERRAL OR WAIVER OF SERVICE OF PROCESS FEES FOR INJUNCTIONS AGAINST HARASSMENT AND CONSENT TO ENTRY OF JUDGMENT

Case Number: _____

_____	_____
_____	_____
_____	_____
_____	_____
Plaintiff(s) Name / Address / Phone	Defendant(s) Name / Address / Phone

IMPORTANT

This Application for Deferral of Court Fees and 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 steps you must take to avoid a judgment against you if you are still unable to pay. Additional details about this process are discussed in the Consent to Entry of Judgment section of this application.

STATE OF ARIZONA)
COUNTY OF PINAL) ss

STATEMENTS MADE TO THE COURT UNDER OATH. 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 or waiver of fee for service of process by a sheriff, marshal, constable or law enforcement agency.

The basis for the request is:

3. ☐ **WAIVER: 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.**

OR

4. ☐ **DEFERRAL:**

☐ **a. I receive governmental assistance from the state/federal program(s) checked below:**

☐ Temporary Assistance for Needy Families (TANF) ☐ Food Stamps

☐ Supplemental Security Income (SSI) for disabilities ☐ General Assistance (GA)

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.**

OR

☐ **c. I do not have the money to pay the court fees and costs now. I can pay the fees and costs at a later date.**

Explain: _____

Print Form

OR

☐ **d. It would be useless or dangerous for me to try to obtain voluntary acceptance of service of process.**

Explain: _____

CONSENT TO ENTRY OF JUDGMENT: By signing this application, I agree a judgment may be entered against me for all fees and costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. Judgment may be entered against me unless any one of the following applies:

F. Fees and costs are taxed to another party;
G. I have an established schedule of payments in effect and I am current with those payments;
H. I file a supplemental application for waiver or further deferral of fees and costs and a decision by the court is pending;
I. In response to a supplemental application the court orders that the fees and costs be waived or further deferred; or
J. Within twenty (20) days of the date the court denies the supplemental application, I either:
   1. Pay fees and costs; or
   2. Request a hearing on the court's order denying further deferral or waiver. If I 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 prescribed by the court.

If you appeal the final decision in your case a consent judgment for deferred fees and costs that remain unpaid in the lower court shall not entered until after the appeals process is concluded.

ACKNOWLEDGEMENT AND SIGNATURE UNDER OATH

Today's Date: _____ Signature: _____

Print Your Name: _____

SUBSCRIBED AND SWORN or affirmed and acknowledged before me on (date) _____

By _____. _____

My Commission expires: Judicial Officer, Clerk or Notary Public

Print Form

Pinal County Justice Courts, State of Arizona

SELECT A COURT FROM THE DROP DOWN ARROW AT RIGHT >>>>>>

AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEFERRAL OR WAIVER OF SERVICE OF PROCESS COSTS

Case Number: _____

_____	_____
_____	_____
_____	_____
_____	_____
Plaintiff(s) Name / Address / Phone	Defendant(s) Name / Address / Phone

STATEMENTS MADE TO THE COURT UNDER OATH. 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.

STATE OF ARIZONA)
COUNTY OF PINAL) ss

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 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**

_____

_____

_____

Print Form

SIGNATURE UNDER PENALTY OF PERJURY

_____ _____

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)