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Know Your Rights to Have Your Court Fees and Costs Deferred or Waived

There are filing fees and costs to file a case in court or respond to a case filed against you. **In all Arizona courts, you can file an application to have your court fees and costs deferred or waived.** These expenses include such things as the filing fee, cost to serve the summons and petition, subpoenas, hearing and trial transcripts and the mandatory parenting class. You can get the application from the court or a legal services office.

A **deferral** means you do not have to pay the fees and costs while the case is open. At the end of the case, if your financial situation has not changed, you can request a waiver of the fees and costs.

A **waiver** means you never have to pay the fees and costs. If you are on Supplemental Security Income (“SSI”), you can get a waiver at the beginning of the case. Other persons usually must wait until the end of the case to ask for a waiver.

You qualify for a deferral of your court fees until the end of the case if you file an application for a fee deferral or waiver and **any** of the following apply to you:

- Your income is less than 150% of the federal poverty level (for one person that currently is \$1,458 per month; for 2 persons it is \$1,966).
- You are on food stamps or cash assistance.
- You are represented by Community Legal Services.
- You have extraordinary expenses (such as medical expenses or expenses to care for relatives who are elderly or have a disability) and when these expenses are deducted from your income, your income is below 150% of the federal poverty level.

If you meet any of the qualifications above, a judge or a clerk cannot require you to make payments for the court fees and costs while your case is open. If a judge or court clerk asks you to make voluntary payments, you have the right to tell them “no” and explain that you are qualified for a waiver or deferral and do not want to make the voluntary payments. Also, please let your legal services office know if you are asked to make voluntary payments.

If your income is between 150 and 225% of the federal poverty level, you may be able to make payments for the filing fees over a few months. If your income is above 225%, you will have to pay the filing fee when you file your case (or respond to a case) unless you can show the judge that you have a good reason for the judge to postpone, defer or waive the fee.

If you have any questions or concerns about how a judge or clerk handled your request for a fee deferral or waiver, please let your legal services office know.