

SUPERIOR COURT OF STANISLAUS COUNTY

www.stanislaus.courts.ca.gov (209) 530-3100 Address: 801 10th Street, 4th Floor, Modesto, CA 95354

REQUEST TO WAIVE COURT FEES AND ORDER ON COURT FEE WAIVER (GUARDIANSHIP/CONSERVATORSHIP)

If you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs and your court fees, you may ask the court to waive all or part of those fees.

If you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the <u>Request to Waive Court Fees</u> (Ward or Conservatee) (Form FW-001-GC) and <u>Order on Court Fee Waiver</u> (Superior Court) (Ward or Conservatee) (Form FW-003-GC).

If you qualify, the court will waive all or part of its fees for the following:

- *Filing papers in Superior Court (other than for an appeal in a case with a value of over \$25,000)
- *Making and certify copies
- * Giving notice and certificates
- *Sheriff's fee to give notice
- *Sending papers to another court department
- *Court fee for telephone hearing
- *Reporter's fee for attendance at hearing or trial, if a reporter is provided by the court.
- *Assessment for court investigations under Probate Code section 1513, 1826, or 1851.
- *Preparing, certifying, copying, and sending the clerk's transcript on appeal.
- *Holding in trust the deposit for a reporter's transcript on appeal under rule 8.833 or 8.934.
- *Making a transcript or copy of an official electronic recording under rule 8.835.

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs and your court fees, you may ask the court to waive all or part of those fees.

- 1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the *Request to Waive Court Fees* (*Ward or Conservatee*) (form FW-001-GC). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$35,000)
 - Making and certifying copies

 - Sheriff's fee to give notice
 - Court fee for telephone hearing
- Giving notice and certificates
- Sending papers to another court department
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter (use form FW-020 to ask for a court reporter)
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under Cal. Rules of Court, rule 8.833 or 8.834
- Making a transcript or copy of an official electronic recording under Cal. Rules of Court, rule 8.835
- 2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a Request to Waive Additional Court Fees (Superior Court) (form FW-002) or Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee) (form FW-002-GC). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Other necessary court fees

- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness
- 3. If you want the Appellate Division of the Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.
- The court may ask you for information and evidence. You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- Public benefits programs listed on the application form. In item 5 on the Request to Waive Court Fees (item 8 of the Request to Waive Court Fees (Ward or Conservatee)), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
 - Medi-Cal
 - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
 - SSP—State Supplemental Payment
 - Supp. Sec. Inc.—Supplemental Security Income (<u>not</u> Social Security) (*list continues on next page*)

- County Relief/Gen. Assist.—County Relief, General Relief (GR), or General Assistance (GA)
- IHSS—In-Home Supportive Services
- CalWORKs—California Work Opportunity and Responsibility to Kids Act
- Tribal TANF—Tribal Temporary Assistance for Needy Families
- CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants
- WIC—Special Supplemental Nutrition Program for Women, Infants, and Children
- Unemployment—unemployment compensation
- If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee. You must tell the court within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File Notice to Court of Improved Financial Situation or Settlement (form FW-010) or Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee) (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, came to an end.
- If you receive a judgment or support order in a family law matter: You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- If you win your case in the trial court: In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases and in guardianships and conservatorships. (Gov. Code, § 68637(d), (e); Cal. Rules of Court, rule 7.5.).
- If you settle your civil case for \$10,000 or more: Any trial court-waived fees and costs must first be paid to the court out of the settlement. The court will have a lien on the settlement in the amount of the waived fees and costs. The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- The court can collect fees and costs due the court. If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- The fee waiver ends. The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.
- If you are in jail or state prison: Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. See Government Code section 68635.
- If you want a record made of your court hearing or trial: There are various reasons why you may want a record of the hearing or trial. Among other reasons, you may want to have a record for an appeal if you disagree with a court order or judgment. If you receive a fee waiver and if the court is not electronically recording the proceeding, you may ask the court to have an official court reporter attend your hearing or trial at no cost to you, so there can be a record of the proceeding. You should use form FW-020 to make the request, which you should file at least 10 calendar days before a scheduled court date, or as soon as you can if the court date is set with less than 10-days' notice.

If you want a written transcript after the hearing or trial, you will need to pay the court reporter separately, or arrange to get the transcript in another way. To learn about ways to do that, talk with the court's Self Help Center or read the information about appeals on the self-help webpages at https://courts.ca.gov/selfhelp-appeals.htm.

FW-001-GC

Request to Waive Court Fees (Ward or Conservatee)

CONFIDENTIAL

Clerk stamps date here when form is filed.

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

If the ward or conservatee (including a proposed ward or conservatee if a petition for appointment of a guardian or conservator has been filed but has not yet been decided by the court) directly receives public benefits or is supported by public benefits received by another for their support, is a low-income person, or does not have enough income to pay for their household's basic needs and the court fees, you may use this form to ask the court to waive the court fees. The court may order you to answer questions about the finances of the ward or conservatee. If the court waives the fees, the ward or conservatee, their estate, or someone with a duty to support the ward or conservatee, may still have to pay later if:

Superior Court of California, County of

Fill in court name and street address:

STANISLAUS 801 10TH STREET, 4TH FLOOR

Fill in case number and name:

MODESTO, CA 95354

Cas	e Numl	oer:			
Cas	e Name) :			
			1.		

- You cannot give the court proof of the ward's or conservatee's eligibility,
- The ward's or conservatee's financial situation improves during this case, or
- You settle the civil case on behalf of the ward or conservatee for \$10.000 or more. The trial court that waives fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge the

City:	Lawyer, if any: Name: State: Ob (job title; if not emplo	Zip: oyed, so state):	State Bar No.: Phone: Email:
Phone: Ward's or Conservatee's Firm or Affiliation: Address: City: Ward or Conservatee's Jo	Lawyer, if any: Name: State: Ob (job title; if not emplo	Zip: oyed, so state):	State Bar No.: Phone: Email:
Phone:	Lawyer , if any: Name:		State Bar No.:Phone:
Phone:	Lawyer , if any: Name:		State Bar No.:Phone:
Phone:	Lawyer, if any: Name:		
Phone:	Lawyer, if any: Name:		
Phone:			
City:			
~ 1	State:	Zip:	
Street or mailing address:			
you may have to go to a he Ward's or Conservatee's	earing to explain why you Information (file a sept	u are asking the arate Request fo	
b. (If yes, your lawyer must s	, ,		ur or the ward's or conservatee's low incon
•	•		costs (check one): Yes
			Email:
			Phone:
Firm or Affiliation:			State Bar No.:
Your Lawyer (if you have or	<i>ne):</i> Name:		
City:	State:	Zip:	
Street or mailing address:			
	•	_	ourt to appoint a guardian or conservator): Phone:
(0	n or conservator, or pers	on asking the c	



Nam	e o	f (Proposed) Ward	l or Conservat	tee:		Ca	se Number:	
67	W	hat court's fees of Superior Court (Se Supreme Court, Co Appellate Court Fe Check here if you a (If your previous re	e Information Rourt of Appeal, ees (form APP-asked the court	Sheet on Waiv or Appellate 015/FW-015- to waive cou	ver of Superior Division of Sup INFO).) rt fees for this o	Court Fees and Derior Court (Street Court (S	See <i>Information</i> t six months.	n Sheet on Waiver of
8		hy are you asking The ward or or domestic partn Supplement IHSS (In-Ho County Reli Special Supp Unemployn	g the court to the or both of the er, receive (che al Security Inco ome Supportive ef/General Ass plemental Nutr	e ward's pare eck all that ap ome (SSI) e Services) istance ition Program	ward's or construction of the construction of	nservatee's ervatee or the nental Paymer or Tribal TAN assistance Pro nfants, and Ch	court fees? conservatee's and (SSP) SI IF M gram for Aged addidren (WIC Property of the court fees)	spouse or registered NAP (Food Stamps) ledi-Cal Blind, and Disabled)
		(Ivames and rei				us who receive		
	b.							for taxes) is less than a 4 of this form.)*
		Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people
		1	\$2,510.00	3	\$4,303.34	5	\$6,096.67	at home, add \$896.67
		2	\$3,406.67	4	\$5,200.00	6	\$6,993.34	for each extra person.
	До	fees. I ask the co (1) Waive all co (3) Let the (propayments co	court to (check of court fees and coposed) guards over time. of guardian or	one, and you necosts. ian or conservator	nust fill out iter (2) Waive vator, on behalf living in the ho	ns 14, 15, 16, some court fe of the (propousehold in 8b	17, and 18 on es and costs. sed) ward or co	onservatee, make them in family size in
9	So	Guardians ard's Estate: ☐ Is urce (e.g., gift, inhe	Person only, no ritance, settlem	estate.		petition estima		nd 10.
		Name of ward's pa	rent:			Deceased	(date of death)	:
		City:		Sta	ate: Zip	:	_	
		Phone:		_				
	b.	Name of ward's pa	rent:			Deceased	(date of death)	:
		Street or mailing a	ddress:					
		City:		Sta	ate: Zip	:	_	
	c.	_	(check all that	t apply):□ n			_	ated divorced
		Payor (name):						
		Court:				C		
		Date of order (if m	ultiple, date of	latest):		 Monthly	amount:	
		024						FW 004 CC D 0 64

Nam	ne of (Proposed) Ward or Conservatee:	Case Number:
	Conservators or petitioners for their appoin	tment must complete items 11–13.
11)	Conservatee's Estate: ☐ Person only, no estate.	
\cup	☐ Inventory or petition estimated value:	Est. collection date:
12)	Conservatee's Spouse's or Registered Domestic Pa	rtner's Information:
	Name of conservatee's spouse or registered domestic partner Date of marriage or partnership:	Spouse Partner Deceased (date of death): Phone:
13)	The Conservatee and Trusts: The conservatee: a. □ is □ is not a trustor or settlor of a trust. b. □ is □ is not a beneficiary of a trust. If you selected "Is" to complete any of the above statements, the current address and telephone number of the current trust value of each trust and the nature and value of the conservate frequency of any distributions to or for the benefit of the conwhich you are aware. (You may use Judicial Council form M	identify and provide, in an attachment to this <i>Request</i> , ee(s) of each trust, describe the general terms of and e's interest in each trust, and the amount(s) and servatee prior to your appointment as conservator of
	All applicants who checked item 8b or item 8c on instructions for completion of items 14–16 or items information I have provided on this form and all attachme	14–18 on page 4, before signing below. nts about the (proposed) ward or conservatee is
attac	and correct to the best of my information and belief. The inchments concerning myself is true and correct. I declare unalifornia that the foregoing is true and correct.	_
Date	:	

If you checked 8a on page 2, do not fill out a 8c, you must answer questions 14–18. If you "Financial Information" and the ward's or co	ou need more spac	e, attach fo	rm MC-025 or a	attach a sh		
Check here if the ward's or conservatee's inc from month to month. If it does, complete the average income for the past 12 months.		a. Cas				\$
		b. All	financial accounts (list bank nar	ne and amou	nt):
(15) Ward's or Conservatee's Gross Monthly	Income	(1)				\$
a. List the source and amount of any income the		(2)				\$
gets each month, including: wages or other in						\$
before deductions, spousal/child support, retir			rs, boats, and other			Ψ
disability, unemployment, military basic allowa		C. Cai			Fair Market	How Much You
(BAQ), veterans payments, dividends, interest annuities, net business or rental income, reiml			Make / Year		Value	Still Owe
related expenses, gambling or lottery winnings	,	(1)		\$_		_\$
		(2)				\$
(1)						\$
(2)	\$	d. Rea	al estate		Fair Market	How Much You
(3)	\$		Address		Value	Still Owe
(4)	\$	(1)				\$
(5)	\$			\$		\$
b. Total monthly income:	\$	e. Oth	er personal propert		urniture, furs,	- '
(16) Ward's or Conservatee's Household's In	come	501	140, 010.).		Fair Market	How Much You
a. List the income of all other persons living in th			Describe		Value	Still Owe
home who depend in whole or in part on them	for support, or on who	m (1)		\$		\$
they depend in whole or in part for support.						\$
Name Age Relationship	Gross Monthly Income		s or Conservatee			lv
(1)	\$		ctions and Expen			• 9
(2)						
(3)		a. List	any payroll deduct	ions and the	monthly amo	ount below:
(4)		(1)				\$
(5)		(2)				\$
(6)						\$
(7)		(4)				\$
			nt or house paymen	t and mainte	enance	\$
(8)			od and household s			\$
(9)			ities and telephone			\$
(10)	\$	e. Clo	•			\$
b. Total monthly income of persons above:	\$		indry and cleaning			\$
Total monthly income and	•		dical and dental exp	enses		\$
household income (15b plus 16b):	\$	_	urance (life, health,		c)	\$
			nool, child care	accident, ct	J.,	\$
To list any other facts you want the court to kn	low, such as the		ld, spousal support	(another ma	arriane)	Ψ \$
(proposed) ward's or conservatee's unusual me			nsportation, gas, au			\$
etc, attach form MC-025 or attach a sheet of pa		I	tallment payments (Ψ
"Financial Information" and the (proposed) was		I	aid to:	iist cacii bei	OW).	
conservatee's name and case number at the top						\$
						\$ \$
Check here if you attack	h another page. \square					
Important! If the ward's or conservatee's fin		(3)				\$
ability to pay court fees improves, you must		m. Wa	ges/earnings withhe	eld by court	order	\$
within five days on form FW-010-GC.	notify the court	n. An	other monthly exp	enses (list e	ach below).	
within five days on form F W-010-GC.		· ·	aid to:	,	,	How Much?
Do not include income of guardian or con	nservator living	1				\$
in the household in item 16, their money						\$ \$
item 17, or their deductions and expenses						Ψ
		(3)	Total ı	manthle	(nonce:	Φ
unless they are a parent of the ward or the registered domestic partner of the conservations.				dd 18a –18		\$

Case Number:

Name of (Proposed) Ward or Conservatee:

FW-003-GC Order on Court Fee Walver (Superior Court) (Ward or Conservatee)	Clerk stamps date here when form is filed.
(Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:	
Name:	
Street or mailing address:	
City:State:Zip:	
Telephone:	
2 Lawyer, if person in 1 has one:	
Name:State Bar No:	
Firm or Affiliation:	
Street or mailing address:	Fill in court name and street address:
City: State: Zip:	Superior Court of California, County of
E-mail: Telephone:	_
(Proposed) ward or conservatee: Name:	
Street or mailing address:	_
City:State:Zip:	_
Telephone:	
Lawyer for (proposed) ward or conservatee, if any:	Fill in case number and name:
Name: State Bar No:	Case Number:
Firm or Affiliation:	
Street or mailing address:	_ Case Name:
City: State: Zip:	
E-mail: Telephone:	_
(5) A request to waive court fees was filed on (date):	_
☐ The court made a previous fee waiver order in this case on (date):	
Read this form carefully. All checked boxes X as	e court orders.
Notice: The court may order you to answer questions about the ward's or conse	
and may later order payment of the waived fees from his or her estate. If this has can also charge collection fees. The court may also direct you to make efforts to from persons who owe a duty to support the ward or conservatee. If there is a c financial circumstances during this case that increases his or her ability to pay to court within five days. (Use form FW-010-GC.)	appens and the fees are not paid, the court o collect money to pay back waived fees hange in the ward's or conservatee's
If this case is an action against another party and you win the case on behalf of may order the other side to pay some or all of the waived fees. If you settle the will have a lien on the settlement in the amount of the waived fees. The trial co is paid.	matter for \$10,000 or more, the trial court
The court may also have a lien against the ward's or conservatee's estate that m distributed, the guardianship or conservatorship proceeding is concluded, and y conservator.	
6 After reviewing your: Request to Waive Court Fees	Request to Waive Additional Court Fees
the court makes the following orders:	
a. The court grant s your request concerning the ward's or conservate	e's court fees and costs, as follows:
(1) Fee Waiver. The court grants your request and waives the fee	
(Cal. Rules of Court, rules 3.55 and 8.818.) You do not have	
 Filing papers in superior court Court fee for phone 	hearing
	٠٠٠,
	ertificates nother court department

Name of	(Propo	sed) Ward or Conservatee:	Case Number:				
6 a.	(1)	 Reporter's fee for attendance at hearing or trial, if you request t Assessment for court investigations under Probate Code section Preparing, certifying, copying, and sending the clerk's transcript Holding in trust the deposit for a reporter's transcript on appeal Making a transcript or copy of an official electronic recording to 	n 1513, 1826, or 1851 ot on appeal under rule 8.130 or 8.834				
	(2)	Additional Fee Waiver. The court grants your request and waive costs that are checked below. (Cal. Rules of Court, rule 3.56.) You items.	-				
			a peace officer to testify in court pointed interpreter fees for a witness				
b.	☐ The	e court denies your fee waiver request, as follows:					
		rrning! If you miss the deadline below, the court cannot process your requalified with your original request. If the papers were a notice of appeal, the					
	(1)	The court denies your request because it is incomplete. You have this order (see date of service on next page) to:	e 10 days after the clerk gives notice of				
		 Pay the ward's or conservatee's fees and costs, or File a new revised request that includes the items listed: Be 	elow				
	(2) ☐ The court denies your request because the information you provided on the request shows the or conservatee is not eligible for the fee waiver for the reasons specified: ☐ Below ☐ On Attachment 6b(2)						
		The court has enclosed a blank <i>Request for Hearing About Court Conservatee</i>) (Superior Court) (form FW-006-GC). You have 10 order (see date of service on next page) to:					
		 Pay the fees and costs in full or the amount listed in c below, or Ask for a hearing in order to show the court more information. <i>hearing.</i>) 					
c.	(1)	The court needs more information to decide whether to grant your date on page 3. The hearing will be about questions regarding you Below On Attachment 6c(1)					
	(2)	Bring the items of proof to support your request, if reasonably as \square Below \square On Attachment $6c(2)$	vailable, that are listed:				

Name of (Proposed) Ward or Conservatee:	Case Number:						
Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay the ward's or conservatee's fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.							
NOTE TO GUARDIAN or CONSERVATOR: If there are unpaid court fees after a denial of a request for a fee waiver, your case—including the guardianship or conservatorship proceeding if the waiver is requested in that matter—might not go forward. After a denial, you may choose to advance the court costs yourself to ensure that the case proceeds. If you or another person is appointed as guardian or conservator, you would have an opportunity to be reimbursed for such advances from the assets of the guardianship or conservatorship estate, if any, as allowable expenses of administration. You might also have the right to reimbursement for advanced court costs from persons with an obligation to support the ward or conservatee from assets not part of his or her estate, such as a parent of the ward, the spouse or registered domestic partner of the conservatee who is managing the couple's community property outside the conservatorship estate, or the trustee of a trust of which the conservatee is a beneficiary.							
Hearing Date: Time: Room:	-	of court if different from above:					
Date:	of (check one):	Officer Clerk, Deputy					
Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for <i>Request for Accommodation</i> , Form MC-410. (Civil Code, § 54.8.)							
Clerk's C	ertificate of Service						
I certify that I am not involved in this case and (check	•						
 ☐ I handed a copy of this Order to the party and attor ☐ This order was mailed first class, postage paid, to t from (city):	•	, at the addresses listed in 1 and 2,					

This is a Court Order.

Name:

Clerk, by ______, Deputy