

SUPERIOR COURT OF STANISLAUS COUNTY

www.stanislaus.courts.ca.gov (209) 530-3100 Street Address: 1100 I Street Modesto, CA 95353 Mailing Address: P.O. Box 1098 Modesto, CA 95353

Self Help Center: 800 11th Street Room #220 Modesto, CA 95353 (PROVIDING ASSISTANCE TO PARTIES REPRESENTING THEMSELVES)

REQUEST TO WAIVE COURT FEES AND ORDER ON COURT FEE WAIVER

All documents must be typed or printed legibly per Rules of Court 2.104, in blue or black ink.

One original plus one copy of the application and one original plus two copies of the order are required for filing.

If your income amount is over the guidelines established on the attached Information Sheet for Waiver, you may apply to the Court for an order allowing you to pay your Court fees in installments.

Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, CA and on the following websites:

- Stanislaus County Superior Court: www.stanislaus.courts.ca.gov
- Stanislaus County Local Forms: www.stanislaus.courts.ca.gov
- Judicial Council Forms: www.courts.ca.gov/formsrules.htm

REQUIRED FORMS:

- Application for Waiver of Court Fees and Costs.
- Order on Application for Waiver of Court Fees and Costs.

*****NOTICE***** Do NOT serve copies of the Application or Order for Waiver of Court Fees and Costs to the other party in your case. Your Fee Waiver Application is Confidential.

Parties are encouraged to review and comply with Local Rules regarding Family Law Proceedings. Local Rules can be located on the following Superior Court website: www.stanct.org.

Material distributed by Superior Court **IS INTENDED FOR INFORMATIONAL AND EDUCATIONAL PURPOSES ONLY**. Such material is **NOT LEGAL ADVICE** and is not intended to be legal advice as to your specific case. **IT IS NOT INTENDED TO TAKE THE PLACE OF LEGAL ADVICE FROM AN ATTORNEY**. You are strongly urged to seek the advice of a licensed attorney before starting or completing your case in order to protect valuable legal rights that you may have, of which you may be unaware of. Please contact an attorney of your choice or contact the LAWYERS REFERRAL SERVICE of the <u>Stanislaus County Bar</u> <u>Association</u> at: (209) 571-5727 for a referral. The Clerk's Office cannot give you legal advice.

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)
 - Giving notice and certificates
 - Making and certifying copiesSheriff'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 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 a peace officer to testify in court
- Fees for court-appointed experts
- Court-appointed interpreter fees for a witness

- Other necessary court fees
- 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 Woman, 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 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 Conservatee) (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your Conservatee) (form FW-010-GC) with the contr.) You may be ordered to repay any amounts that were waived after your Conservatee) (form FW-010-GC) with the contr.) You may be ordered to repay any amounts that were waived after your Conservatee) (form FW-010-GC) with the contr.) You may be ordered to repay any amounts that were waived after your Conservatee) (form FW-010-GC) with the contr.) You may be ordered to repay any amounts that were waived after your Conservatee) (form FW-010-GC) with the contr.) You may be ordered to repay any amounts that were waived after your Conservatee) (form FW-010-GC) with the contr.) You may be ordered to repay any amounts that were waived after your Conservatee) (form FW-010-GC) with the contract of the c
- 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); and 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 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 <u>https://courts.ca.gov/selfhelp-appeals.htm.</u>

EW-001 Request to Waive Court Fees CONFIDENTIAL Clerk stamps date here when form is filed. If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if: • You cannot give the court proof of your eligibility, • Your financial situation improves during this case, or Fill in court name and street address: • You settle your civil case for \$10,000 or more. The trial court that waives Superior Court of California, County of your fees will have a lien on any such settlement in the amount of the STANISLAUS waived fees and costs. The court may also charge you any collection costs. 1100 I STREET P.O. BOX 1098 **Your Information** (person asking the court to waive the fees): 1 MODESTO, CA 95353 Name: Street or mailing address: State: Zip: City: Fill in case number and name: Phone: Case Number: Your Job, if you have one (*job title*): 2 Case Name: Name of employer: Employer's address: Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): 3 a. The lawyer has agreed to advance all or a portion of your fees or costs (*check one*): Yes \Box No \Box b. (If yes, your lawyer must sign here) Lawyer's signature: _ If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees. What court's fees or costs are you asking to be waived? 4 Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).) Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).) Why are you asking the court to waive your court fees? 5 a. I receive (check all that apply; see form FW-001-INFO for definitions): Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS CalWORKS or Tribal TANF CAPI WIC Unemployment b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.) Family Size Family Income Family Size Family Income Family Size Family Income *If more than 6 people* \$4,441.67 \$2,608.33 \$6,275.00 at home, add \$916.67 1 3 5 \$5,358.33 \$3.525.00 2 4 6 \$7,191.67 for each extra person. c. I do not have enough income to pay for my household's basic needs *and* the court fees. I ask the court to: (check one and you **must** fill out page 2): waive all court fees and costs waive some of the court fees let me make payments over time 6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here): I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. Date: Print your name here Sign here

Request to Waive Court Fees

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Request to Waive Court Fees

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FW-003 Order on Court Fee Waiver (Superior Court)	Clerk stamps date here when form is filed.
1 Person who asked the court to waive court fees:	
Street or mailing address: State: Zip:	
City: State: Zip:	
2 Lawyer, if person in (1) has one (name, firm name, address, phone number, e-mail, and State Bar number):	
	Fill in court name and street address:
	Superior Court of California, County of
	STANISLAUS 1100 I STREET
	P.O. BOX 1098
(3) A request to waive court fees was filed on (<i>date</i>):	MODESTO, CA 95353
A request to warve court rees was filed on (<i>aute</i>).	Fill in case number and name:
The court made a previous fee waiver order in this case on (<i>date</i>):	Case Number:
Read this form carefully. All checked boxes 🗹 are court orders.	Case Name:
to pay the fees. If you settle your civil case for $10,000$ or more, the trial court amount of the waived fees. The trial court may not dismiss the case until the lie	n is paid.
4 After reviewing your: a <i>Request to Waive Court Fees</i> b <i>Request to the court makes the following orders:</i>	o Waive Additional Court Fees
a. The court grants your request, as follows:	
 (1) Fee Waiver. The court grants your request and waives your of <i>Rules of Court, rule 3.55 and 8.818.)</i> You do not have to pay Filing papers in superior court Making copies and certifying copies Giving 	the court fees for the following: fee for phone hearing notice and certificates g papers to another court department
 and you request that the court provide an official reporter Assessment for court investigations under Probate Code secti Preparing, certifying, copying, and sending the clerk's transcrite Holding in trust the deposit for a reporter's transcript on appe Making a transcript or copy of an official electronic recording (2) Additional Fee Waiver. The court grants your request and w 	on 1513, 1826, or 1851 ipt on appeal al under rule 8.130 or 8.834 g under rule 8.835

(2) 🔲 Bring the items of proof to support your request, if reasonably available, that are listed:	
 The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated: Below	.o
 Pay your 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. (Use form FW-006 to request hearing.) 	
The court has enclosed a blank Request for Hearing About Court Fee Waiver Order (Superior Court) (form FW-006). You have 10 days after the clerk gives notice of this order (see date of service below) to:	
(2) The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated:	
 File a new revised request that includes the incomplete items listed: Below	
 (1) T Your request is incomplete. You have 10 days after the clerk gives notice of this Order (see date of service on next page) to: Pay your fees and costs, or 	
Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.	
The court denies your fee waiver request because:	·q
name: Case Number:	JU

This is a Court Order.

r name:	Case Number:	
	Name and address of court if differe	ent from above:
Hearing Date:	Time:	
Date Dept.:	Room:	
Warning! If item c(1) is check	d, and you do not go to court on your hearing date, the judge will den	
request to waive court fees, an	d you will have 10 days to pay your fees. If you miss that deadline, the ed with your request. If the papers were a notice of appeal, the appe	e court cannot
Date:	Signature of (check one): Judicial Officer Cle	rk, Deputy
	Signature of (check one): Judicial Officer	тк, Беригу
	Request for Accommodations	
Assistive listening s	stems, computer-assisted real-time captioning, or sign language inte	rnreter services
are available if you a	stems, computer-assisted real-time captioning, or sign language inte sk at least five days before the hearing. Contact the clerk's office for <i>Persons With Disabilities and Response</i> (form MC-410). (Civ. Code	Request for
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