Fee Waivers: Ask the Court to Waive or Lower the Cost of Fees

California Government Code §§ 68630 et. seq

(http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=&title=8.&part=&chapter=2.&article=6.). permit the court to waive court fees and costs for litigants in certain financial situations.

Templates and Forms

- Request to Waive Court Fees (FW-001) (https://www.courts.ca.gov/documents/fw001.pdf)
- Order on Court Fee Waiver (FW-003) (https://www.courts.ca.gov/documents/fw003.pdf)
- Request to Waive Additional Court Fees (FW-002) (https://www.courts.ca.gov/documents/fw002.pdf)

Your court fees may be waived if:

- You are receiving public benefits such as Medi-Cal, Food Stamps, General Assistance, Cal-Works, SSI, SSP. etc.
- Your household income is below federal poverty guidelines, as shown on form FW-001.
- The court finds that you do not have enough income to support your family AND pay court fees.

The court may also order partial payment of court fees, or allow payments to be made over time. You are required to notify the court if your financial situation changes, or if you settle your case out of court. The court may require you to pay the previously waived fees. The forms requesting a fee waiver require you to provide detailed financial information. This information will remain confidential.

You must sign your fee waiver request under the penalty of perjury. All answers must be accurate and complete. The court cannot require proof of your finances when you submit your application for a fee waiver. At a later date, though, the court may require you to verify any statements made in your application.

You may also need....

Sacramento Superior Court Fee
Schedule

(https://www.saccourt.ca.gov/fees/docs/feeschedule.pdf)

Step-by-Step Instructions

1

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Complete the Required Forms

The Judicial Council forms commonly used in this procedure are:

- Request to Waive Court Fees (FW-001) (http://www.courts.ca.gov/documents/fw001.pdf)
- Order on Court Fee Waiver (FW-003) (http://www.courts.ca.gov/documents/fw003.pdf)
- Request for Hearing About Court Fee Waiver (FW-006) (http://www.courts.ca.gov/documents/fw006.pdf)

Sample filled-in forms with instructions are available at the end of this Guide.

2

Copying and Assembling

Make two (2) copies each of the *Request to Waive Court Fees* (FW-001), and the *Order on Court Fee Waiver* (FW-003). The original should be left unstapled, while the copies are stapled.

3

File Your Documents

Fee waiver forms should be filed along with your other court documents. The court will not accept your court documents without either the fees or the fee waiver forms. Fee waiver forms will not be accepted unless accompanied by other case documents.

4

Wait for the Court Ruling

Within five days, the court will rule on your fee waiver request. You will be notified by mail of the court's decision. If the court makes no order within five days, your waiver is automatically granted. If your fee waiver is granted, you will be able to proceed with your case.

NOTE: You may have to pay these fees at a later date. See Steps 8 and 9 for more information.

5

If Your Request is Denied

If your request is denied, one of three things may happen:

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- If your request was denied because your papers were incomplete, you will have 10 days to either submit
 a revised application or pay the filing fees. The court will indicate on an *Order on Court Fee Waiver* (FW003) what is missing from your original request forms. Revise your forms, being sure to include what was
 missing.
- If your request was denied because you are ineligible for a fee waiver, you have 10 days to either pay the
 filing fees or request a hearing. To request a hearing, use a Request for Hearing About Court Fee Waiver
 (FW-006). The court will schedule a hearing and notify you of the date using a Notice on Hearing About
 Court Fees (FW-007).
- If the court needs more information, they will set a hearing. The hearing date will be indicated on the *Order on Court Fee Waiver* (FW-003).

If you do not either pay the fees, revise your request, or a request a hearing within 10 days, the court will cancel all of the papers you have filed in your case.

6

Attend the Fee Waiver Hearing

If a hearing is scheduled on your fee waiver, be sure to bring any documents or witnesses you have that help prove your financial condition. If this hearing was scheduled at the court's request, the court may have indicated what proof you need on the Order on Court Fee Waiver (FW-003). Bring all documents the court requested.

After the hearing, the court will grant or deny your fee waiver request, and provide you with the ruling on an *Order on Court Fee Waiver After Hearing* (FW-008).

7

If Your Request is Denied After a Hearing

If your request is denied, or if the court orders partial or installment payments, you must pay the required fees within ten days or the court will cancel all the papers you have filed in your case.

8

During Your Case

If your financial situation improves during your case, you must inform the court within five days using a <u>Notice</u> to Court of Improved Financial Situation or Settlement (FW-010) (http://www.courts.ca.gov/documents/fw010.pdf), available online at the California Court's website. (https://www.courts.ca.gov/forms.htm) If the court believes that your financial situation has changed, you may receive a notice to attend a hearing to reconsider your fee waiver. The court will send you a Notice to Appear for Reconsideration of Fee Waiver (FW-011), to notify you of the hearing date.

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In either of these situations, if the court determines that your improved financial situation allows you to afford court fees, you will be required to pay the previously waived fees.

9

At the End of Your Case

If you receive a money judgment in your favor, the court may order you or the other party to pay the previously waived fees. If you settle your case out of court for \$10,000 or more, the court will require you to pay any waived fees.

For more information

On the Web:

California Courts Self Help Website - "Fee Waiver (http://www.courts.ca.gov/selfhelp-feewaiver.htm)"

Sacramento County Superior Court Website – Fee Waiver (http://www.saccourt.ca.gov/fees/fee-waiver.aspx)

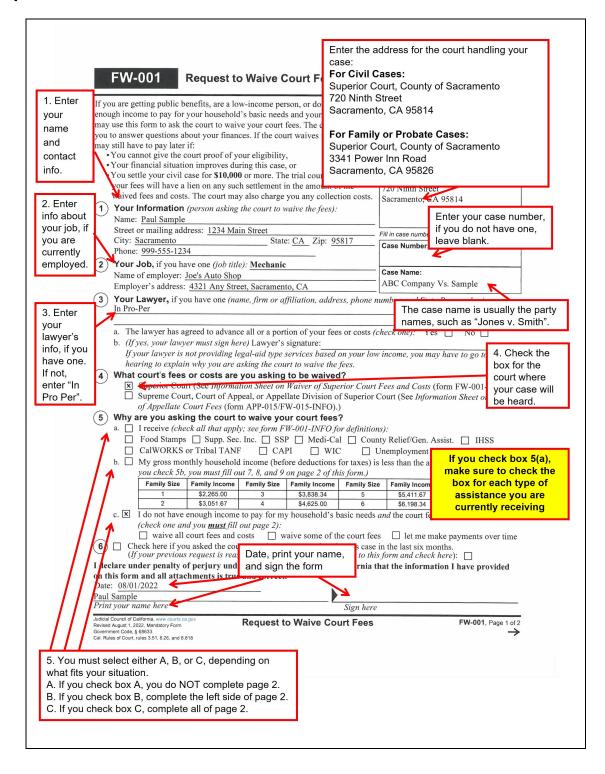
Waiver for Additional Fees

Ask the court to waive additional court fees and costs by filing a Request to Waive Additional Court Fees (FW-002) (https://www.courts.ca.gov/documents/fw002.pdf). Common additional fees include:

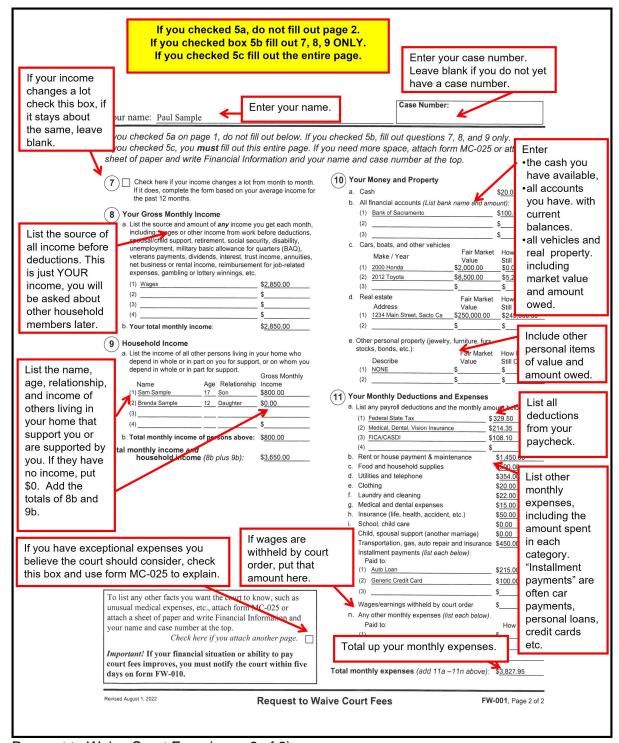
- · Jury fees and expenses
- Fees for a peace officer to testify in court
- Fees for court-appointed experts
- Court-appointed interpreter fees for a witness

Samples

Request to Waive Court Fees

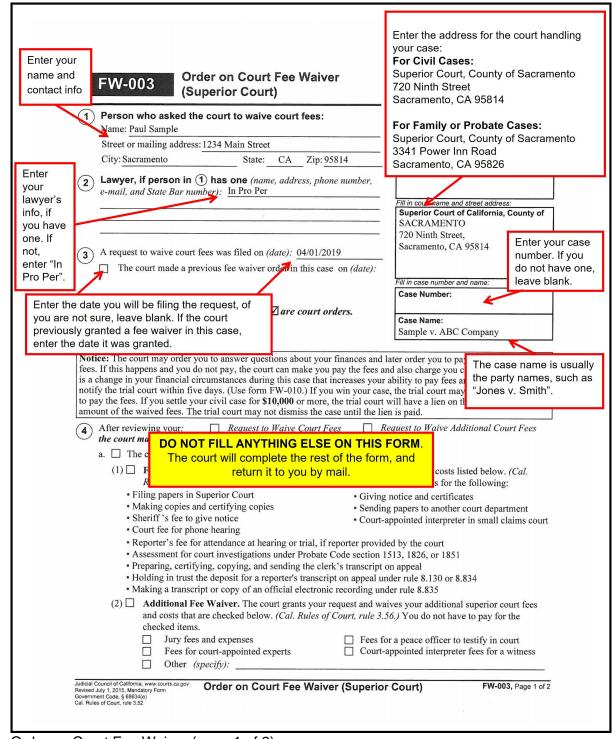


Request to Waive Court Fees (page 1 of 2)



Request to Waive Court Fees (page 2 of 2)

Order on Court Fee Waiver



Order on Court Fee Waiver (page 1 of 2)