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) (not required in Sacramento) (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

You may also need....
Sacramento Superior Court
Fee Schedule
(https://www.saccourt.ca.gov/home/showpublisheddocume

may require you to verify any statements made in your application.

Step-by-Step Instructions

1 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) (not required in Sacramento) (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 one extra copy of the *Request to Waive Court Fees* (FW-001) (optional, if you want a copy mailed back to you). The original should be left unstapled, while the copy 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:

- 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* (FW-003) 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 *Notice 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. 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 – "Ask for a fee waiver if you can't afford court fees" (http://www.courts.ca.gov/selfhelp-feewaiver.htm)

Sacramento County Superior Court Website – "Fee Waivers" (https://www.saccourt.ca.gov/forms-fees/fee-waivers)

Waiver for Additional Fees

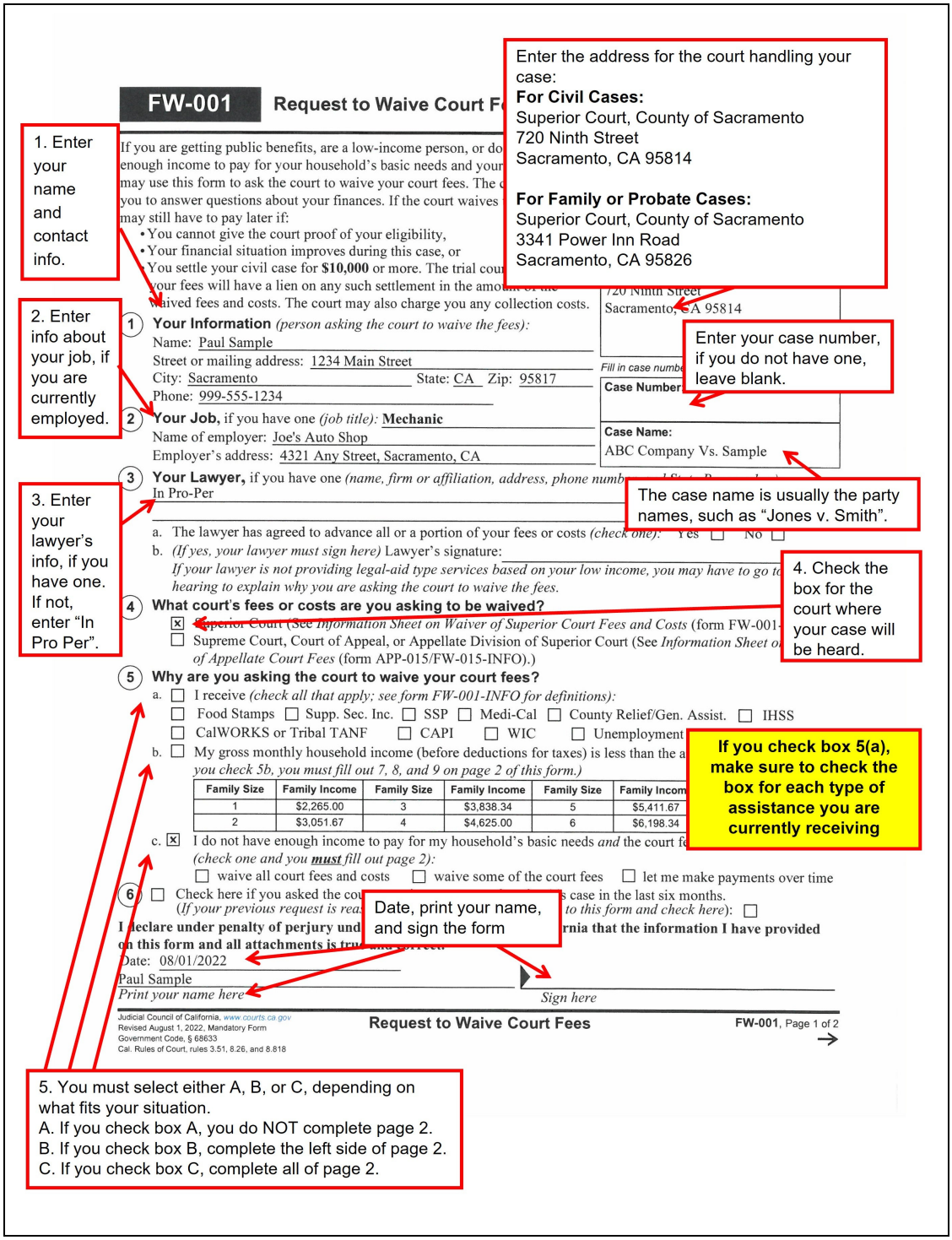
Ask the court to waive additional court fees and costs by filing a Request to Waive Additional Court Fees (FW-002) (https://www.courts.ca.gov/documents/fw002.pdf) .

Common additional fees include:

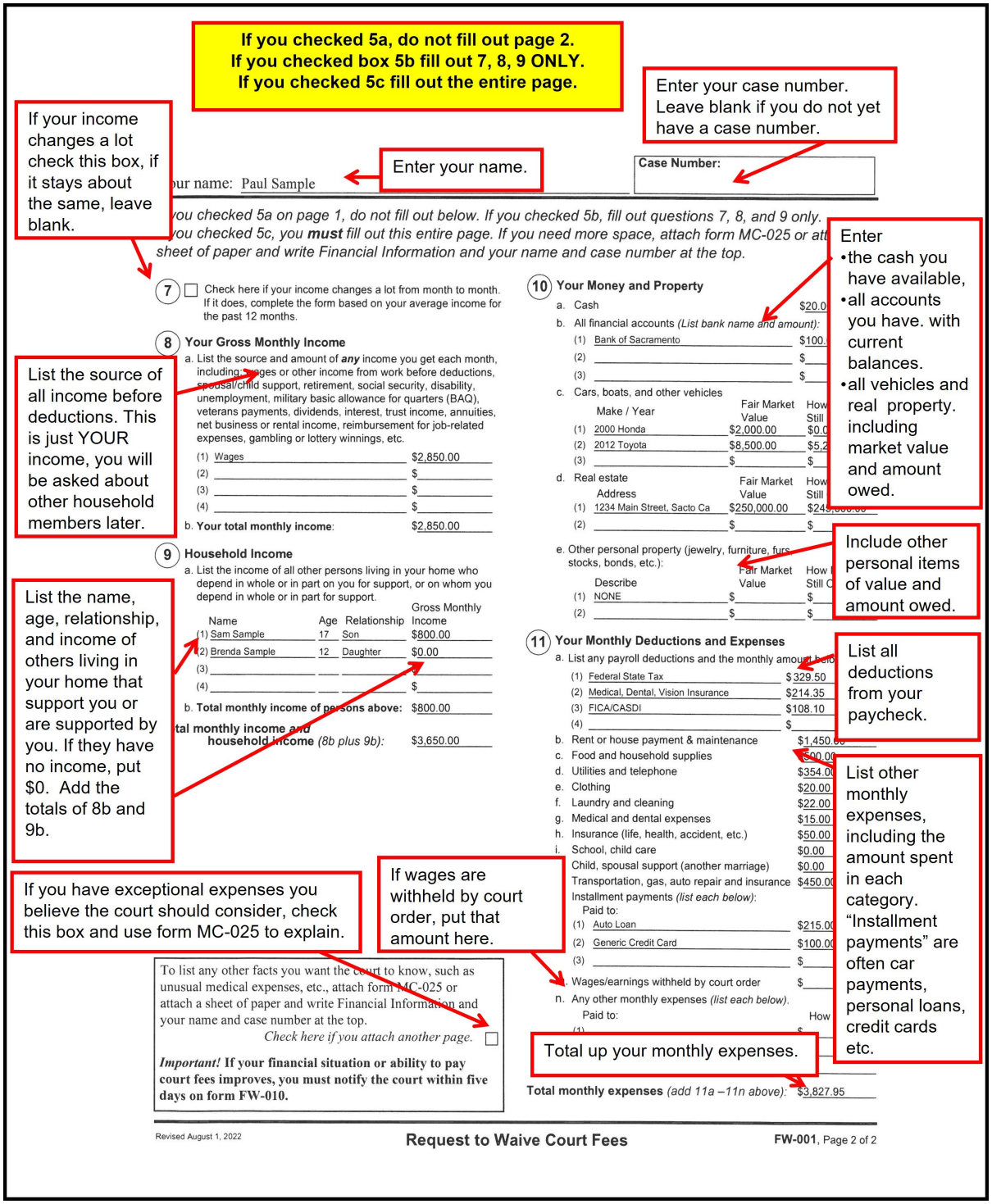
- Jury fees and expenses
- Fees for a peace officer to testify in court
- Fees for court-appointed experts
- Court-appointed interpreter fees for a witness

Samples

Request to Waive Court Fees


Enter the address for the court handling your case:
For Civil Cases:
Superior Court, County of Sacramento
720 Ninth Street
Sacramento, CA 95814
For Family or Probate Cases:
Superior Court, County of Sacramento
3341 Power Inn Road
Sacramento, CA 95826
1. Enter your name and contact info.
2. Enter info about your job, if you are currently employed.
3. Enter your lawyer's info, if you have one. If not, enter "In Pro Per".
Enter your case number, if you do not have one, leave blank.
The case name is usually the party names, such as "Jones v. Smith".
4. Check the box for the court where your case will be heard.
If you check box 5(a), make sure to check the box for each type of assistance you are currently receiving
Date, print your name, and sign the form
5. You must select either A, B, or C, depending on what fits your situation.
A. If you check box A, you do NOT complete page 2.
B. If you check box B, complete the left side of page 2.
C. If you check box C, complete all of page 2.
FW-001
Request to Waive Court Fees
Paul Sample
1234 Main Street
Sacramento
CA
95817
999-555-1234
Mechanic
Joe's Auto Shop
4321 Any Street, Sacramento, CA
720 Ninth Street
Sacramento, CA 95814
ABC Company Vs. Sample
In Pro-Per
08/01/2022
Paul Sample
Print your name here
Sign here
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Page 7



If you checked 5a, do not fill out page 2.
If you checked box 5b fill out 7, 8, 9 ONLY.
If you checked 5c fill out the entire page.

Enter your case number. Leave blank if you do not yet have a case number.

If your income changes a lot check this box, if it stays about the same, leave blank.

Enter your name.

ur name: Paul Sample

Case Number:

*ou checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. ou checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or att sheet of paper and write Financial Information and your name and case number at the top.*

Enter
- the cash you have available,
- all accounts you have. with current balances.
- all vehicles and real property. including market value and amount owed.

7 ☐ Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 **Your Gross Monthly Income**

a. List the source and amount of ***any*** income you get each month, including wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

List the source of all income before deductions. This is just YOUR income, you will be asked about other household members later.

(1)	Wages	$2,850.00
(2)		$
(3)		$
(4)		$

b. **Your total monthly income**: $2,850.00

9 **Household Income**

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

List the name, age, relationship, and income of others living in your home that support you or are supported by you. If they have no income, put $0. Add the totals of 8b and 9b.

	Name	Age	Relationship	Gross Monthly Income
(1)	Sam Sample	17	Son	$800.00
(2)	Brenda Sample	12	Daughter	$0.00
(3)				
(4)				$

b. **Total monthly income of persons above:** $800.00

tal monthly income and household income *(8b plus 9b):* $3,650.00

10 **Your Money and Property**

a. Cash $20.0

b. All financial accounts *(List bank name and amount):*

(1)	Bank of Sacramento	$100.
(2)		$
(3)		$

c. Cars, boats, and other vehicles

	Make / Year	Fair Market Value	How Still
(1)	2000 Honda	$2,000.00	$0.0
(2)	2012 Toyota	$8,500.00	$5,2
(3)		$	$

d. Real estate

	Address	Fair Market Value	How Still
(1)	1234 Main Street, Sacto Ca	$250,000.00	$24
(2)		$	$

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Include other personal items of value and amount owed.

	Describe	Fair Market Value	How Still O
(1)	NONE	$	$
(2)		$	$

11 **Your Monthly Deductions and Expenses**

a. List any payroll deductions and the monthly amount paid

List all deductions from your paycheck.

(1)	Federal State Tax	$ 329.50
(2)	Medical, Dental, Vision Insurance	$214.35
(3)	FICA/CASDI	$108.10
(4)		$

List other monthly expenses, including the amount spent in each category. "Installment payments" are often car payments, personal loans, credit cards etc.

b.	Rent or house payment & maintenance	$1,450.00
c.	Food and household supplies	$90.00
d.	Utilities and telephone	$354.00
e.	Clothing	$20.00
f.	Laundry and cleaning	$22.00
g.	Medical and dental expenses	$15.00
h.	Insurance (life, health, accident, etc.)	$50.00
i.	School, child care	$0.00
	Child, spousal support (another marriage)	$0.00
	Transportation, gas, auto repair and insurance	$450.00
	Installment payments *(list each below)*:	
	Paid to:	
(1)	Auto Loan	$215.00
(2)	Generic Credit Card	$100.00
(3)		$
	Wages/earnings withheld by court order	$
n.	Any other monthly expenses *(list each below)*.	
	Paid to:	How
(1)		$

If you have exceptional expenses you believe the court should consider, check this box and use form MC-025 to explain.

If wages are withheld by court order, put that amount here.

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page. ☐

Important! **If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.**

Total up your monthly expenses.

Total monthly expenses *(add 11a –11n above):* $3,827.95

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