

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.

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/fee-schedule.pdf>

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) (<http://www.courts.ca.gov/documents/fw001.pdf>)
- [Order on Court Fee Waiver \(FW-003\)](http://www.courts.ca.gov/documents/fw003.pdf) (<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) (<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:

- 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) (<http://www.courts.ca.gov/documents/fw010.pdf>), available online at [the California Court's website](https://www.courts.ca.gov/forms.htm). (<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 – [“Fee Waiver](http://www.courts.ca.gov/selfhelp-feewaiver.htm) (<http://www.courts.ca.gov/selfhelp-feewaiver.htm>)”

Sacramento County Superior Court Website – [Fee Waiver](http://www.saccourt.ca.gov/fees/fee-waiver.aspx) (<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 \(FW-002\)](http://www.courts.ca.gov/fw002.pdf) (<http://www.courts.ca.gov/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

FW-001

Request to Waive Court Fees

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 household may use this form to ask the court to waive your court fees. The court may require you to answer questions about your finances. If the court waives your court 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
- You settle your civil case for \$10,000 or more. The trial court's judgment of your fees will have a lien on any such settlement in the amount of any waived fees and costs. The court may also charge you any collection costs.

1. Enter your name and contact info.

1 **Your Information** (person asking the court to waive the fees):
 Name: Paul Sample
 Street or mailing address: 1234 Main Street
 City: Sacramento State: CA Zip: 95817
 Phone: 999-555-1234

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

2 **Your Job**, if you have one (job title): Mechanic
 Name of employer: Joe's Auto Shop
 Employer's address: 4321 Any Street, Sacramento, CA

Enter your case number, if you do not have one, leave blank.

Case Number: _____
 Case Name: ABC Company Vs. Sample

3 **Your Lawyer**, if you have one (name, firm or affiliation, address, phone number):
 In Pro-Per

The case name is usually the party names, such as "Jones v. Smith".

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No
 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 court hearing to explain why you are asking the court to waive the fees.

4 **What court's fees or costs are you asking to be waived?**
 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).)

4. Check the box for the court where your case will be heard.

5 **Why are you asking the court to waive your court fees?**
 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 Insurance
 b. My gross monthly household income (before deductions for taxes) is less than the amount shown in the table 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
1	\$2,265.00	3	\$3,838.34	5	\$5,411.67
2	\$3,051.67	4	\$4,625.00	6	\$6,198.34

If you check box 5(a), make sure to check the box for each type of assistance you are currently receiving

c. I do not have enough income to pay for my household's basic needs and the court fees are a burden on me (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 in this case in the last six months. (If your previous request is received, you do not need to fill out this form and check here):

I declare under penalty of perjury and 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: 08/01/2022
 Paul Sample
 Print your name here _____ Sign here _____

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.

Judicial Council of California, www.courts.ca.gov
 Revised August 1, 2022, Mandatory Form
 Government Code, § 68633
 Cal. Rules of Court, rules 3.51, 8.26, and 8.818

Request to Waive Court Fees

FW-001, Page 1 of 2

Request to Waive Court Fees (page 1 of 2)

**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.**

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

Enter your name.

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

Your name: Paul Sample Case Number: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, 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 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.

(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.

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**

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

10 Your Money and Property

a. Cash: **\$20.00**

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 Owed
(1) 2000 Honda	\$2,000.00	\$0.00
(2) 2012 Toyota	\$8,500.00	\$5,200.00
(3)	\$	\$

d. Real estate

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

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

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

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount:

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

b. Rent or house payment & maintenance: **\$1,450.00**

c. Food and household supplies: **\$50.00**

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:

(1)	\$
(2)	\$
(3)	\$

Total up your monthly expenses.

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

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.

Revised August 1, 2022 **Request to Waive Court Fees** FW-001, Page 2 of 2

Request to Waive Court Fees (page 2 of 2)

Order on Court Fee Waiver

Enter your name and contact info

FW-003 **Order on Court Fee Waiver (Superior Court)**

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

Enter your lawyer's info, if you have one. If not, enter "In Pro Per".

1 Person who asked the court to waive court fees:
Name: Paul Sample
Street or mailing address: 1234 Main Street
City: Sacramento State: CA Zip: 95814

2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number): In Pro Per

3 A request to waive court fees was filed on (date): 04/01/2019
 The court made a previous fee waiver order in this case on (date):

are court orders.

Enter your case number. If you do not have one, leave blank.

Enter the date you will be filing the request, of you are not sure, leave blank. If the court previously granted a fee waiver in this case, enter the date it was granted.

The case name is usually the party names, such as "Jones v. Smith".

DO NOT FILL ANYTHING ELSE ON THIS FORM.
The court will complete the rest of the form, and return it to you by mail.

Notice: The court may order you to answer questions about your finances and later order you to pay fees. If this happens and you do not pay, the court can make you pay the fees and also charge you a change in your financial circumstances during this case that increases your ability to pay fees and notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may require you to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees

a. The court may order you to pay the costs listed below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing
- Reporter's fee for attendance at hearing or trial, if reporter 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 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court

(2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

Jury fees and expenses

Fees for court-appointed experts

Other (specify): _____

Fees for a peace officer to testify in court

Court-appointed interpreter fees for a witness

Judicial Council of California, www.courts.ca.gov
Revised July 1, 2015, Mandatory Form
Government Code, § 68634(e)
Cal. Rules of Court, rule 3.52

Order on Court Fee Waiver (Superior Court) FW-003, Page 1 of 2

Order on Court Fee Waiver (page 1 of 2)

Date Created
03/30/2023