

	<p>Civil: Fee Waiver Rules and Forms (amend rules 3.50, 3.51, 8.100, 8.122, 8.821, 8.832, and 8.833 of the California Rules of Court; repeal rules 3.52, 3.53, 3.54, 3.55, 3.58, and 3.59; amend and renumber rules 3.56, 3.57, 3.60, 3.61, 3.62, and 3.63 as rules 3.52, 3.53, 3.54, 3.55, 3.56, and 3.58, respectively; and adopt new rules 3.57 and 8.102; revoke Judicial Council form FW-004; revise forms FW-001, FW-001-INFO, FW-002, FW-003, FW-005, FW-006, CIV-110, SUM-100, SUM-110, SUM-120, SUM-130, SUM-140, SUM-145, and FL-110; adopt forms FW-007, FW-008, FW-010, FW-011, FW-012, APP-015/FW-015, APP-015/FW-015-INFO, APP-016/FW-016, FL-336, FL-337, and FL-338).</p>
Summary	<p>The proposed rules and forms would promote compliance with the statutory mandates of Assembly Bill 2448 (Stats. 2008, ch. 462) concerning court fee waivers.</p>
Source	<p>Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair</p> <p>Family and Juvenile Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs</p> <p>Appellate Advisory Committee Hon. Katherine Doi Todd, Chair</p>
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Discussion	<p>The Legislature has enacted a new fee waiver law, Assembly Bill 2448 (Feuer) which goes into effect July 1, 2009. The new statutes, Government Code sections 68630 – 68641, replace the current statute governing court fee waivers (Government Code, § 68511.3) and incorporate into statute many of the fee waiver provisions currently in rules 3.50 through 3.63 of the California Rules of Court. The revisions ensure that indigent litigants have an opportunity to access the courts in a timely manner and receive notice of their rights and obligations in connection with court fee waivers. The new law also provides for recovery of those fees by the court in appropriate cases,</p>

including providing for liens by trial courts on recoveries of more than \$10,000 and specifying procedures for requiring that waived fees be repaid if appropriate in family law matters.

To implement the provisions of the new statutes, the Civil and Small Claims Advisory Committee and Family and Juvenile Law Advisory Committee propose that the Judicial Council amend the civil rules concerning fee waivers and adopt new and revised forms for use in superior court. Five of the six current fee waiver forms would be revised, one revoked, and six new fee waiver forms added, all in plain language. Three new family law forms would be added to implement the new fee waiver provisions directed to recovery of waived fees in family law cases. In addition, several current civil forms, the *Request for Dismissal* (form CIV-110) and the seven *Summons* forms (forms SUM-100, SUM-110, SUM-120, SUM-130, SUM-140, SUM 145, and FL-110), would be revised to add mandated notices regarding recovery of the initially waived fees.

In addition, the Appellate Advisory Committee proposes that the Judicial Council adopt three new fee waiver forms solely for use in appellate courts, amend the fee waiver rules applicable to the Court of Appeal, and adopt new fee waiver rules applicable to the appellate division of the superior court.

Currently no separate fee waiver forms are proposed for prisoner applicants or for others who seek to pay fees over time, although such forms are contemplated by the statute. Their omission from this proposal is not an indication that the committees do not consider such forms necessary or appropriate. The committees will consider developing these forms in the future, as time and resources permit.

Superior Court Fee Waiver Rules and Forms

Rules Proposed for Repeal

Under the proposal, most of the existing rules in division 2 (Fee Waivers) of title 3 (Civil Rules) would be proposed for repeal because they duplicate or have been replaced by provisions contained in the new fee waiver statutes. The following rules would be repealed:

- Rule 3.51(b) (prohibiting courts from requiring forms other than Judicial Council forms), now in Government Code section 68634(b) and (c);
- Rule 3.52(a) (mandatory eligibility), now in Government Code section 68632(a) and (b);

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- Rule 3.52(b) (discretionary eligibility and lien on recovery), now in Government Code sections 68632(c) (regarding eligibility) and 68637 (regarding liens on recovered moneys);
 - Rule 3.53 (verification of financial condition), to the extent it is still authorized by statute, replaced by Government Code sections 68634(e) (for trial court) and 68634.5(e) (for appellate court), which set forth the various circumstances under which hearings and evidence of eligibility may be required;
 - Rule 3.54 (determination without regard to pleadings), now in Government Code sections 68634(c) (for trial court) and 68634.5(c) (for appellate court);
 - Rule 3.55 (effect of denial and payment of fees), now in Government Code sections 68634(g) (for trial court) and 68634.5(g) (for appellate court);
 - Rule 3.56(3) (requiring statement of reason for denial), now in Government Code sections 68634(e)(2), (3), and (5) (for trial court), and section 68634.5(e)(2), (3) and (4) (for appellate court);
 - Rule 3.56(4) (requiring service of notice of denial), replaced by Government Code sections 68634(e) (for trial court) and 68634.5(e) (for appellate court), which provide that the court is to give notice of hearings and decisions to the applicant or the applicant's attorney. The requirement that notice of denial must be given to other parties who have appeared has been eliminated;
 - Rule 3.56(5) (permitting delegation of authority to grant waiver), now in Government Code sections 68634(d) (for trial court) and 68634.5(d) (for appellate court);
 - Rule 3.58(a) (notice of hearing), replaced by Government Code sections 68634(e) (for trial court) and 68634.5(e) (for appellate court), which set forth the various circumstances under which hearings are required;
 - Rule 3.58(b) (confidentiality of hearing), now in Government Code section 68633; and
 - Rule 3.59 (changed circumstances after granting waiver), replaced by Government Code section 68636, which sets forth the various circumstances under which the court may reconsider a grant of an initial fee waiver.

New and Amended Rules

When the preceding rules on fee waivers are repealed, all the rules remaining after rule 3.51 would be renumbered. In addition, several changes to the remaining rules would be made, and some further rules developed, as follows.

First, the wording of all the remaining rules would be revised in order to comply with the change in the language of the statute by replacing the phrase “in forma pauperis” with “initial waiver of court fees and costs” or “initial fee waiver.” Rule 3.50 would also be amended to clarify that any such waiver is not a permanent waiver of the fees and costs, but merely an initial one, subject to later revocation, termination, or modification. In addition, reference in the rules to the names of the forms would be changed to reflect the new forms. See, e.g., proposed rule 3.50 (application), rule 3.51 (method of application), rule 3.52 (currently numbered rule 3.56, procedure for determining application) rule 3.53 (currently numbered rule 3.57; application granted unless acted on by court), and rule 3.58 (currently numbered rule 3.63; posting notice).

Second, current rule 3.56 (renumbered as rule 3.52, procedure for determining application) would be amended to require that the court, in the event a fee waiver is granted, provide with the order a blank reporting form (proposed form FW-010) on which the litigant would report any improvements in financial circumstances that could affect eligibility for a fee waiver.

Current rule 3.56 mandates that the order determining an application for a fee waiver be on a Judicial Council form. The committees specifically invite comments on whether that mandate should continue in amended and renumbered rule 3.52, or whether an exception should be made for courts with electronic case management systems, permitting such courts to produce their own orders, so long as the orders contain all the substantive provisions on proposed *Court Fee Waiver Order (Superior Court)* (form FW-003) or *Court Fee Waiver Order After Hearing (Superior Court)* (form FW-008).

Third, current rule 3.60 (renumbered as rule 3.54; confidentiality) would be amended to reflect the new statutory provisions regarding access to the financial information included in fee waiver applications. (See Gov. Code, § 68633(d).) Comments are invited on whether the amended rule should include (1) specific standards for determining whether the confidential information be released and (2) provisions

limiting the use of such information upon release.

Comments are also invited on whether the term “court personnel” in proposed rule 3.54 should be defined for the purpose of this rule to include individuals or agencies under contract with a court to recover court fees and costs that were initially waived but later ordered paid by the court. Providing such individuals or agencies with access to the information on the fee waiver application when they are acting on behalf of a court to recover fees would further the goal of fiscal responsibility.

Fourth, current rules 3.61 (renumbered as rule 3.55; court fees and costs included in all initial waivers) and 3.62 (renumbered as rule 3.56; additional court fees and costs in initial waivers) would be amended to clarify those fees that must be waived by the court upon the grant of the fee waiver, and those that may be waived, either at the outset or upon further application. In particular, the amended rules would correct and update the statutory references to sheriff’s and marshal’s fees, and fees for telephone appearances. The committees specifically seek comment about whether these rules should be further amended to (1) include the fees of court investigators used in some family law matters in either the list of fees always included in the grant of a fee waiver (proposed rule 3.55) or the list of those waived at the discretion of the court (proposed rule 3.56) and (2) make proposed rule 3.55(9) (regarding the costs for a copy of the clerk’s transcripts for appeals) identical to proposed rules 8.102(e)(3) and 8.821(c)(6)(2). (See discussion below under Appellate Court Rules and Forms.)

Fifth, new rule 3.57 (amount of lien for waived fees and costs) would be added to provide that a party may obtain the total amount of fees and costs that have been waived in a case so that a party subject to a court lien for the waived amount may determine what that amount is. (Gov. Code, § 68637(c)(3).)

Superior Court Fee Waiver Forms

Request to Waive Court Fees (Superior Court) (form FW-001). This revised application form would be used by all three categories of fee waiver applicants, including those who are (1) receiving public benefits, (2) low-income (125% of the federal poverty guidelines), and (3) unable to pay court fees without using moneys to pay for the necessities of life. It would be used when an applicant first applies for

a waiver in the trial court.

Personal identifiers and attachment of supporting benefits documentation have been eliminated from the form as they are no longer required or allowed (Gov. Code, § 68633(a)). New qualifying public assistance programs have been added to the statute (Gov. Code, § 68632(a)) and to the form for category 1 applicants. The chart showing the qualifying gross monthly household incomes for category 2 applicants has been moved to this form from the INFO sheet, in order to make it clearer to the applicant and the reviewing court the basis for the applicant's assertion. The committees specifically seek comment about whether this information should be included on the application form, particularly because the income figures will increase each year, generally in late January, requiring annual form revisions.

The financial information sheet (page 2) remains essentially the same as in the current form and must still be completed by category 2 low-income applicants (income only) and category 3 unable-to-pay applicants (entire financial statement including assets). The committees specifically seek comments on whether this form would be improved by expanding it to three pages, providing more space for the litigant, but making it more difficult to print and handle in court files.

Important notices have been added to the form, including a notice of the court's statutory lien on settlement proceeds or other award of \$10,000 or more (Gov. Code, § 68637(c)); duty to tell the court of changed circumstances (Gov. Code, § 68636); the court's authority to order a hearing and ask questions (Gov. Code, §§ 68634(e) and 68636); and the court's authority to collect waived fees under specified circumstances at the end of the case (Gov. Code, § 68637).

Information Sheet on Waiver of Court Fees and Costs (form FW-001-INFO). The list of financial assistance programs for category 1 applicants and the chart showing the qualifying gross monthly household incomes for category 2 applicants have been moved to the application form (form FW-001). The rest of the form has been revised to incorporate new statutory provisions, particularly notices and a warning to applicants about their responsibilities under the statute. The committees seek comment on whether the information sheet should be expanded to two pages and should retain the list of financial assistance programs and qualifying monthly income figures, in addition to the new text, and whether those items should be

included on the application form.

The committees also specifically seek comment on whether a rule should be adopted requiring that the information sheet be provided with every application form given to a litigant.

Request to Waive Additional Court Fees (Superior Court) (form FW-002). This form has been converted to plain language and notice provisions have been added. No significant substantive changes have been made to the form.

Court Fee Waiver Order (Superior Court) (form FW-003). The form has been converted to plain language, and significant changes have been made to conform to the new fee waiver statute.

Qualified applicants who are receiving public benefits or who meet the poverty guidelines are entitled to have their application granted (Gov. Code, § 68634(e)(1)) and the fees identified in rule 3.55 and, if deemed necessary by the court, rule 3.56 waived. These fees are now all listed on the order form.

If the application is denied because it is incomplete, an applicant has 10 days to file a revised application. (Gov. Code, § 68634(e)(2).) If the application is denied because the information provided conclusively establishes that the applicant is not eligible, the clerk must enclose a blank hearing request form with an order denying an initial fee waiver. (Gov. Code, § 68634(e)(3).) The committees request comments about whether this provision should be explicitly stated in a rule in addition to being included on this form. Reasons for either type of denial must be given by the judicial officer on the order form. The applicant is informed that if the fees are not paid, a completed application not filed, or a hearing is not requested within 10 days (15, if service was by mail), the papers filed with the request will not be processed and any appeal may be dismissed.

The form also provides for scheduling hearings as required by statute when (1) there is an evidentiary conflict or (2) for discretionary category 3 unable-to-pay cases when information on the application does not conclusively establish that the applicant is not eligible. (Gov. Code, § 68634(e)(4), (5).)

This order form may also be used by a superior court to grant or deny waiver of fees related to an appeal, such as preparation of the clerk's transcript, in the event no fee waiver was given to the applicant at the

trial court level. In addition, if the superior court has an arrangement with the Court of Appeal to do so, the superior court may also use this form to grant a waiver of the fees for filing notice in an appeal to the Court of Appeal.

Comments are invited on whether the form should include a space for the court to indicate whether the form has been hand-delivered to the applicant.

Comments are also invited on whether this form order, and form FW-008, should include an item for the clerk to use to certify a true and correct copy of the order, as exists at the end of current form FW-003. It is likely that inclusion of such an item would increase the size of the form to three pages.

Order on Application for Waiver of Additional Court Fees and Costs (form FW-004). The committees propose that this order form be revoked. It would be superseded by form FW-003.

Notice: Waiver of Court Fees (FW-005). This form has been converted to plain language and notice provisions have been added. No significant substantive changes have been made to the form.

Request for Hearing About Court Fee Waiver Order (Superior Court) (new form FW-006). This form would be used to request a court hearing after an application has been denied on the ground that the information on the application establishes that the applicant is not eligible for a fee waiver. The court must include a blank copy of this application with such an order. (Gov. Code, § 68634(e)(3).)

Notice on Hearing About Court Fees (new form FW-007). This form would be used to grant or deny a request for a hearing filed on form FW-006. It also advises the applicant that he or she may take financial information to the hearing to support the request. (Gov. Code, § 68634(e)(3).) The committees specifically seek comments on whether this form should require the signature of a judicial officer or only that of a court clerk.

Court Fee Waiver Order After Hearing (Superior Court) (new form FW-008). In many respects this order is similar to proposed *Court Fee Waiver Order (Superior Court)* (form FW-003), except that there is no provision for a hearing because this is the order after hearing. The form adds various orders that might be granted in reviewing discretionary category 3 unable-to-pay cases such as a partial grant of

the fee waiver, reduced fees, or some other arrangement. If all fees are not waived, the court must provide reasons for the partial denial.

Comments are invited on whether the form should include places to indicate whether the form has been hand-delivered to the applicant.

Notice of Improved Financial Circumstances or Settlement (new form FW-010). This form would make it easier for an applicant to inform the court that the applicant's circumstances have changed, including the settlement of the case. If the applicant's recovery is \$10,000 or more, this provides the court with notice that it should order that the waived fees be paid from the recovery. The committees seek comment on whether the information regarding a settlement should be included on this form.

Notice to Appear for Reconsideration of Fee Waiver (new form FW-011). This form would be used to schedule a hearing when a court has information that an applicant's financial condition may have changed, when the court wants a hearing to reevaluate the waiver at the time of the final disposition of the case, or when the court has information that an applicant may be needlessly increasing the costs of litigation. (Gov. Code, § 68636(a), (b), (c), (f).)

Court Fee Waiver Order After Reconsideration Hearing (new form FW-012). This form would be used to issue an order following a hearing to reconsider the initial waiver of fees. It allows the court to leave the fee waiver as it was initially issued, to end the waiver as of the date on which the applicant was no longer eligible, or withdraw the waiver altogether should it find the applicant was never eligible. The court may, at its discretion, order repayment of some or all of the court fees waived when the applicant was not eligible, and may order the repayment be made within 10 days or over some longer period of time. (Gov. Code, § 68636(d), (e).) This form would also be used to order limitations on a waiver when a court finds that it is being abused in some way. (Gov. Code, § 68636(f).)

Request for Dismissal (revised form CIV-110). The fee waiver statute directs that a party filing a petition for dismissal shall declare, under penalty of perjury, that the court's statutory lien has been paid or that any settlement, compromise, award, or other recovery has a value of less than \$10,000. (Gov. Code, § 68637(c)(4).) A declaration to this effect has been added to the back of request for dismissal form. The committees seek comment on whether the *Notice of Settlement of*

Entire Case (form CM-200) should also be amended to include a check box item in which a litigant could indicate whether or a fee waiver had been granted in the action.

Revised summons forms: *Summons* (form SUM-100), *Summons – Cross-Complaint* (form SUM-110), *Summons (Joint Debtor)* (form SUM-120), *Summons (Unlawful Detainer –Eviction)* (form SUM-130), *Summons (Storage Lien Enforcement)* (form SUM-140), and *Summons (Enforcement of State Housing Law)* (form SUM-145) would all be revised to include notice, in English and Spanish, of the court’s statutory lien on any settlement or other award for \$10,000 or more in value for the amount of any fees and costs that have been waived. (Gov. Code, § 68637(c)(3).) The bold type face in those forms has been removed in order to fit the new text.

The notice of lien would also be provided on fee waiver application (forms FW-001 and FW-002) and fee waiver orders (form FW-003, FW-005, and APP-016/FW-016) so that the applicant has notice of the court’s statutory lien.

Family Law forms

In addition to the changes enacted in the Government Code relating to fee waivers in civil and family law matters, Assembly Bill 2448 enacted statutory changes that apply exclusively to family law proceedings. Specifically, Government Code sections 68637(d) and (e) permit the trial court, after entry of a judgment or an order to pay support, to recover previously waived court fees from either the party ordered to pay support in the matter (the non-fee-waiver recipient) or the initial fee waiver recipient.

Government Code section 68637(d) permits the court to order payment of waived court fees by a party who did not receive a fee waiver (e.g., the other spouse or domestic partner). It requires the trial court to decide, based on information in the court file, whether a party who did not receive a fee waiver has the ability to pay all or part of the waived fees. Under this subdivision, if the party ordered to pay the fees is absent at the time the judgment is entered, he or she must be given notice and an opportunity for a hearing to request that the court set aside the order to pay waived court fees. This section also provides that any order for the payment of the other party’s waived fees is payable only after all current support and all accrued arrears have been paid.

Under Government Code section 68637(e), the court may recover

waived fees from the initial fee waiver recipient if the party's circumstances have changed. Using the same criteria to determine a party's eligibility to receive a fee waiver under Government Code section 68632, the court must first determine if, given the changed circumstances, it is reasonable to require that this party pay all or part of the fees that were initially waived. However, if a support award is the primary basis for the court's finding of a change of circumstances, the court must order the support obligor to pay the previously waived court fees. Under this subdivision, the party ordered to pay previously waived fees must be given notice and an opportunity to request a hearing to set aside the court order.

To implement this legislative mandate, the Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee propose that the Judicial Council adopt three new forms and revise one existing family law form.

Order to Pay Waived Court Fees (new form FL-336). This proposed mandatory form would be completed by the court and served on the party ordered to pay waived fees. The proposed form provides information about the amount due to the court, when the payment is due, and where to send the payment. This form also includes a notice that the party has an opportunity to request a hearing to set aside the order, information on how to request such a hearing, and the statutory time frame for requesting the hearing.

The committees specifically seek comments on how best to include, if at all, the statutory language that provides that any order for the payment of the other party's waived fees be made payable only after all current support and all accrued arrears owed by the party who did not receive the fee waiver have been paid. Currently, this language is included as a check box on the form at item 3.

Application to Set Aside Order to Pay Waived Court Fees—Attachment (form FL-337). This proposed mandatory form would be attached to a *Notice of Motion* (form FL-301) or *Order to Show Cause* (form FL-300) and would be completed by the party requesting a hearing to set aside the court fees. The proposed form includes a space for the party to write a declaration in support of the request to set aside the order and repeats the notice and information on how to request a hearing that is included in the above order.

Order After Hearing on Motion to Set Aside Order to Pay Waived

Court Fees (form FL-338) would serve as an optional form to record the outcome of the hearing on payment waived court fees.

Summons (Family Law) (form FL-110). This form would be revised to include a notice to the parties that the court may order either party to pay previously waived court fees and that the party ordered to pay will be notified and given an opportunity to request a hearing on the matter.

Appellate Court Fee Waiver Rules and Forms

In recognition of the different nature of appellate and trial courts and more limited court fees in appellate proceedings, the new fee waiver statutes make several important distinctions between fee waivers in the trial courts and in the appellate courts.¹ First, a separate provision, Government Code section 68634.5, establishes the requirements for processing and determining fee waiver applications in the appellate courts. Under this provision, unlike in the trial court, an applicant does not have the right to request a hearing concerning a fee waiver determination. Instead, if the court concludes that there is a substantial evidentiary question regarding the applicant's eligibility, the court *may*, in its discretion, set a hearing. Second, unlike in statutes applicable to the trial courts, section 68634.5 does not provide for partial payment of court fees and does not specify that the clerk shall void the papers that were filed if the court fees and costs are not paid as ordered by the court. Instead, this section provides that if a fee waiver application is denied, the applicant is required to pay the court fees and costs that ordinarily would be charged and that the clerk is required to notify the applicant of the consequences for failure to pay the court fees. Finally, the new statutes make clear that the provisions in section 68635, concerning collection of fees from incarcerated litigants, and section 68637, concerning dismissals and liens when a party whose fees were waived prevails or recovers \$10,000 or more, apply only in the trial courts.

Both because of the different procedures established by the new fee waiver statutes and because the court fees that may be waived in appellate proceedings are much more limited than in trial court proceedings, the Appellate Advisory Committee is proposing separate

¹ Note that in specifying the application of particular provisions, the new statutes use the terms "trial court" and "appellate court," not "superior court" and "Court of Appeal." The term "appellate court" appears to encompass the superior court appellate division.

rules and forms specifically addressing fee waivers in the appellate courts. In the rules for civil appeals in both the Court of Appeal and superior court appellate division, the committee is proposing that the current cross-references to the trial court fee waiver rules be replaced with new provisions setting out the requirements applicable to fee waivers in these proceedings. The committee believes that this will make the applicable provisions easier for litigants, particularly self-represented litigants, to find and to understand.

As in the proposed new trial court rules, the proposed new appellate court fee waiver rules address applications for fee waivers (rules 8.102(a) and 8.821(c)(2), in the Court of Appeal and appellate division rules, respectively), the procedure for determining applications (rules 8.102(c) and 8.821(c)(4)), the automatic grant of fee waivers if the court does not act on an application within five days (advisory committee comment to rules 8.102(c) and 8.821(c)(4)), the confidentiality of fee waiver applications submitted to the court (rules 8.102(d) and 8.821(c)(5)), and what fees that are waived (rules 8.102(e) and 8.821(c)(6)). Unlike the trial court rules, however, these proposed appellate rules do not contain provisions addressing the waiver of additional fees (rule 3.56), liens for waived fees (rule 3.57), or posting notice (rule 3.58). The proposed appellate rules also differ from the trial court rules in other ways. For example, the provisions regarding the procedure for determining applications in both the Court of Appeal rules (rule 8.102(c)) and the appellate division rules (rule 8.821(c)(4)) refer to the statutory provision establishing the procedures for appellate courts, Government Code section 68634.5, not the statutory provisions applicable to trial courts. Similarly, the rules identifying the fees and costs that are waived if an application is granted list only those fees and costs applicable in appeals: the fee and deposit that are paid when filing a notice of appeal; the fees for preparing, certifying, and sending the clerk's transcript; and any court fee for telephonic oral argument. Finally, unlike the trial court rules, the appellate rules contain provisions addressing where and when a request for a fee waiver should be filed (rules 8.102(b)) and 8.821(c)(3)).

The Appellate Advisory Committee is also proposing three new forms relating to appellate court fee waivers: *Information Sheet on Waiver of Court Fees and Costs for Appeal or Writ Proceeding* (form APP-015/FW-015-INFO) which addresses fee waivers in both the Court of Appeal and appellate division, *Request to Waive Court Fees for Appeal or Writ Proceeding in Court of Appeal* (form APP-015/FW-

015), and optional *Court Fee Order (Court of Appeal)* (form APP-016/FW-016). Most of the material on the proposed request form (APP-015/FW-015) is substantially the same as that on the proposed superior court fee waiver request form (form FW-001). The main differences are that the appellate form has a box for the Court of Appeal case number and the information at the beginning of the form is tailored to fee waivers in appellate proceedings—it refers form users to the appellate fee waiver information sheet rather than the trial court information sheet and it does not include information about court liens for waived fees on awards or settlements. Given the similarity in these forms, the committee would particularly appreciate comments on whether there should be a separate request form for appeals and writ proceedings in the Court of Appeal or a single form that covers all fee waiver requests.

In order to reflect the new statutory procedures for determining fee waivers in the appellate courts, the proposed Court of Appeal order form, APP-016/FW-016, differs in several respects from the superior court order form. For example, the Court of Appeal order form does not include references to an applicant requesting a hearing about a fee waiver determination. In addition, the warning boxes on the side of the form do not state that if the applicant misses the deadline set by the court for submitting a new application or additional information, “we cannot process your revised request or the court papers you filed with your original request.” Instead, these warning boxes indicate that if the applicant misses the deadline, “your fee waiver will be denied and, if you are the appellant, your appeal may be dismissed.” In addition, the Court of Appeal order form does not include a notice box at the top that addresses liens for waived court fees.

Because both the trial and appellate court charge fees in civil appeals and share responsibility for collecting these fees, there are some special issues and questions concerning how to handle fee waivers in these cases. For example, in appeals to the Court of Appeal, the Court of Appeal charges a fee for filing the notice of appeal. Along with the filing fee, the appellant is required to pay a \$100 deposit to the trial court. Although the filing fee is a Court of Appeal fee, under the existing appellate rules, the appellant is required to pay both this fee and the \$100 deposit to the trial court at the time the notice of appeal is filed or to submit an application for a fee waiver or an order waiving this fee at that time. This arrangement raises questions about which court should consider requests to waive the fee for filing the notice of appeal. The authority to waive Court of Appeal fees clearly rests with

the Court of Appeal. However, because the Court of Appeal fee for filing the notice of appeal is paid to the trial court, there may be some benefits to allowing the trial court to consider applications to waive this fee. It is the committee's understanding that practices in this regard vary in different districts of the Court of Appeal. The committee understands that in some districts, appellants seeking a waiver of fees and costs for the first time on appeal are asked to complete two fee waiver application forms: one for the Court of Appeal and one for the superior court. It is also the committee's understanding that some districts of the Court of Appeal have delegated to the superior court the authority to determine eligibility for the waiver of the Court of Appeal fees.

Neither of these practices are specifically addressed in the proposed appellate rules or the information sheet. The proposed advisory committee comment to Court of Appeal rule 8.102(c) and the proposed information sheet (form APP-015/FW-015-INFO) indicate that in a appeal to the Court of Appeal, the Court of Appeal will make the determination of whether to waive the fee for filing the notice of appeal and the superior court will make the determination of whether to waive the \$100 deposit. However, as discussed above, the proposed superior court fee waiver order (form FW-003) includes a "Fee Waiver for Appeals" section with an "other" category where a superior court could indicate that it is waiving the fee for filing a notice of appeal in an appeal to the Court of Appeal if it has been delegated the authority to make this determination. The committee would particularly appreciate comments concerning the following: (1) should the appellate rules or information sheet address the number of fee waiver request forms that must be submitted; and (2) should the rules or information sheet address the possible delegation of authority to the superior court to determine eligibility for waiver of Court of Appeal fees?

Another issue that arises in the context of fee waivers in civil appeals is the impact of fee waivers granted during the trial court proceedings. In addition to the \$100 deposit discussed above, the trial court charges the appellant for the cost of preparing and certifying the clerk's transcript on appeal and transmitting the original to the Court of Appeal and a copy to the appellant. The trial court also charges the respondent for any requested copy of the clerk's transcript. Under both the current and proposed trial court fee waiver rules, however, the fees waived if the trial court grants a fee waiver include clerk's fees for: (1) preparing, certifying, and transmitting the clerk's transcript on appeal;

(2) reasonably necessary copying; and (3) transmittal of papers. Thus, if the trial court previously granted a fee waiver in a case, it may already have waived the fees associated with preparing, copying, and transmitting the clerk's transcript on appeal. (Note that, under the statute, the party would be required to notify the court if the party's financial circumstances change while the fee waiver order is in effect.)

The committee understands that there are currently different practices concerning waiver of the trial court's fees for preparing and transmitting the copies of the clerk's transcript to the appellant or the respondent. The committee understands that some courts view these fees as automatically waived if a trial court grants that party a fee waiver in the case, either because they are considered part of "the clerk's fee for preparing, certifying, and transmitting the clerk's transcript on appeal" or because they are clerk's fees for "reasonably necessary . . . copying" and "transmittal of papers." The committee also understands that some courts view the fees for the appellant's and respondent's copies as additional court fees that the court may waive if a request for waiver of additional court fees is submitted. Proposed rules 8.102(e) and 8.821(c)(6) incorporate the first view of these fees by specifying that the fees for preparing and transmitting a copy of the clerk's transcript to the applicant are waived if the court grants a fee waiver. The proposed information sheet (form APP-015/FW-015-INFO) further indicates that if either an appellant or respondent has received a fee waiver in the trial court, all of the trial court fees associated with preparing, copying, and transmitting the clerk's transcript on appeal have already been waived. The committee would appreciate comments concerning these provisions.

While the committee anticipates that, in most cases, a party who is eligible for a waiver of fees and costs on appeal is likely to have sought and received a fee waiver in the trial court, there may be some litigants who are seeking a waiver for the first time on appeal. To help these litigants see, in one place, what fees and costs may be waived in an appeal, proposed rule 8.102(e) and 8.821(c)(6) list both the appellate court and trial court fees that are waived when a fee waiver is granted. However, the language of the proposed trial and appellate rules differ with respect to fees for clerk's transcripts. As discussed above, the proposed trial court rules generally provide for waiver of the fee for "preparing, certifying, and transmitting the clerk's transcript on appeal" while the proposed appellate rules provide for waiver of the fees for "preparing and certifying the clerk's transcript on appeal and for copying and transmitting a copy of this transcript to

the applicant.” The committee would appreciate comments concerning whether: (1) both the trial and appellate rules should list the fees for the clerk’s transcript on appeal among the fees waived when a fee waiver is granted; and (2) if so, whether the same language should be used to describe the fees waived in both the trial and appellate rules.

One additional issue concerning the impact of previous fee waivers arises in the context of appeals to the superior court appellate division in limited civil cases. Under both the current and proposed trial court fee waiver rules, the fees waived if the trial court grants a fee waiver include clerk's fees for filing papers. Since, in a limited civil case, both the trial and appellate proceedings are handled within the same superior court, a waiver of filing fees by that court should encompass that court’s fee for filing a notice of appeal. Both proposed rule 8.821(a) in the appellate division rules and the proposed information sheet (form APP-015/FW-015-INFO) reflect this by indicating that if the trial court previously granted a fee waiver in a limited civil case and that fee waiver has not ended, all of the court fees for an appeal to the appellate division in that case, including the fee for filing the notice of appeal, are waived by that order and the party is not required to file a new application for waiver of these court fees and costs for the appeal in that case.

Finally, the committee would particularly appreciate comments on what forms should be used for fee waivers in appellate division proceedings. In recognition of the fact that in limited civil cases, both the trial and appellate proceedings are handled within the same superior court, proposed rule 8.821(c)(2) calls for parties seeking fee waivers in these cases to use the superior court request for fee waiver (form FW-001) rather than an separate request for waiver of fees on appeal. Similarly, proposed rule 8.821(c)(4) indicates that the court may use the superior court fee waiver order (form FW-003) in such cases. While these superior court forms are familiar to superior court clerks and judges that must use them, they are not specifically tailored to address waiver of appellate fees. For example, the request form does not refer users to the appellate fee waiver information sheet and the order form includes provisions concerning requesting hearings that do not apply in an appellate court. The committee would therefore appreciate comments on whether the proposed fee waiver request and order forms for use in the Court of Appeal should made applicable for use in the superior court appellate division.

The proposed rules are attached at pages 19-37 and the proposed

	forms are attached at pages 38-76.

Rules 3.52, 3.53, 3.54, 3.55, 3.58, 3.59 of the California Rules of Court would be repealed; rules 3.50, 3.51, 8.100, 8.122, 8.821, 8.832, and 8.833 would be amended; rules 3.56, 3.57, 3.60, 3.61, 3.62 and 3.63 would be amended and renumbered as rules 3.52, 3.53, 3.54, 3.55, 3.56, and 3.58, respectively, and new rules 3.57 and 8.102 would be adopted, effective July 1, 2009 to read:

Division 2. Waiver of Fees and Costs

Rule 3.50. Application of rules

(a) Application

The rules in this division govern applications in the trial court for an order to proceed in forma pauperis—that is, without paying—initial waiver of court fees and costs because of the applicant’s financial condition. As provided in Government Code section 68631 and following, any waiver may later be ended, modified or revoked if the court determines that the applicant is not eligible for the waiver. The court may, at a later time, determine that the previously waived fees and costs be paid.

(b) Definitions

For purpose of the rules in this division, “initial fee waiver” means “initial waiver of court fees and costs.”

Rule 3.51. Method of application ~~and filing of papers~~

~~(a) Mandatory application forms~~

An application ~~to proceed in forma pauperis~~ for initial waiver of court fees and costs under rule 3.55 must be made on ~~Application for Waiver of Court Fees and Costs Request to Waive Court Fees (Superior Court)~~ (form FW-001). An application for initial waiver of additional court fees and costs under rule ~~3.62~~ 3.56 must be made on ~~Application for Waiver of Additional Court Fees and Costs Request to Waive Additional Court Fees (Superior Court)~~ (form FW-002). The clerk must provide either form and the Informational Sheet on Waiver of Court Fees and Costs (form FW-001-INFO) without charge to any person who requests ~~it~~ them or indicates that he or she is unable to pay any court fee or cost.

~~(b) Other forms~~

1 No applicant may be required to complete any form as part of his or her
2 application under this rule other than forms adopted by the Judicial Council,
3 except as authorized by Government Code section 68511.3(e)(1). Upon
4 receipt of an application, the clerk must immediately file the application and
5 any pleading or other paper presented by the applicant.
6

7 **Rule 3.52. Eligibility**
8

9 **(a) Mandatory**
10

11 The court must grant an application to proceed in forma pauperis and must
12 waive payment of court fees and costs listed in rule 3.61, and must waive
13 payment of those additional court fees and costs listed in rule 3.62 that the
14 court finds necessary, if the applicant meets the standards of eligibility
15 established by Government Code section 68511.3(a)(6)(A) or (a)(6)(B).
16

17 **(b) Discretionary**
18

19 Except for an order required under (a), the court may make an order granting
20 an application to proceed in forma pauperis under Government Code section
21 68511.3 or otherwise. The order may waive payment of part or all of the fees
22 and costs and may provide that a lien exists on any money recovered by the
23 applicant for any waived fees and costs, which shall be deemed to be taxable
24 costs.
25

26 **Rule 3.53 Verification of financial condition**
27

28 **(a) Reasonable efforts to verify financial condition**
29

30 The court may, authorize the clerk of the court, or a court financial officer, or
31 other appropriate county officer to make reasonable efforts to verify an
32 applicant's financial condition. The reasonable efforts to verify must not
33 include requiring all applicants to submit documentation to support the
34 information contained in their applications except as authorized by
35 Government Code section 68511.3(b)(1) and (e)(1).
36

37
38 **(b) Additional documentation**
39

40 Additional documentation of an applicant's financial condition may be
41 required only if the applicant failed to provide the information required by
42 the application form or if the court has good reason to doubt the truthfulness
43 of the factual allegations in the application. If the applicant is required to

1 submit additional documentation of his or her financial condition, the court
2 or person authorized under (a) must:

- 3
- 4 (1) Inform the applicant of the information in the application that is
5 insufficient or that the court believes may not be truthful;
6
- 7 (2) Inform the applicant of the specific type or types of documentation the
8 applicant must submit;
9
- 10 (3) Require the applicant to submit only documentation that the applicant
11 has in his or her possession or can obtain with reasonable efforts; and
12
- 13 (4) Require the applicant to submit only enough documentation as is
14 necessary to clarify or prove the truthfulness of the factual allegations
15 in the application.
16

17

18 **Rule 3.54. Determination without regard to pleading or paper submitted for**
19 **filing**

20

21 The court must determine an application to proceed in forma pauperis without
22 regard to the applicant's pleading or other paper filed, if any.
23

24

25 **Rule 3.55. Effect of denial of application; time for payment of fees**

26

27 If an application is denied, any paper filed without payment of fees is ineffective
28 unless the fees are paid within 10 days after notice is given by the clerk under rule
29 3.56. If the fees are paid more than 10 days after that notice was given, the date the
30 applicant's pleading or other paper was originally presented to the clerk is the date
31 for determining whether the action or proceeding was commenced within the
32 period provided by law.
33

34 **Rule 3.52 3.56. Procedure for determining application**

35

36 The procedure for determining an application is as follows:

- 37
- 38 (1) The trial court must consider and determine the application as required by
39 Government Code sections 68511.368634 and 68635.
40
- 41 (2) An order determining an application to proceed in forma pauperis for an
42 initial fee waiver (a) at the outset or (b) for additional court fees or costs, or
43 for setting a hearing on such an application, must be made on Court Fee

1 Waiver Order (Superior Court) on Application for Waiver of Court Fees and
2 Costs (form FW-003).

3
4 (3) An order determining any of the applications listed above after a hearing in
5 the trial court must be made on Court Fee Waiver Order After Hearing
6 (Superior Court) (form FW-008).

7
8 (4) A blank Notice of Improved Financial Situation or Settlement (form FW-
9 010) will be provided by the court with any order granting a fee waiver.

10
11 ~~(3) An order denying an application to proceed in forma pauperis, in whole or in~~
12 ~~part, must include a statement of the reasons for the denial as required by~~
13 ~~Government Code section 68511.3.~~

14
15 ~~(4) The clerk must immediately mail or deliver a copy of the order to the~~
16 ~~attorney for the applicant or, if no attorney, to the applicant if the application~~
17 ~~is not granted in full and, if the application is denied, to each other party who~~
18 ~~has appeared in the action or proceeding.~~

19
20 ~~(5) The court may delegate to the clerk in writing the authority to grant~~
21 ~~applications to proceed in forma pauperis that meet the standards of~~
22 ~~eligibility in Government Code section 68511.3(a)(6)(A) or (a)(6)(B). The~~
23 ~~court may not delegate authority to deny an application.~~

24
25
26 **Rule 3.53 ~~3.57~~ Application granted unless acted on by the court**

27
28 The application to proceed in forma pauperis for initial fee waiver is deemed
29 granted unless acted on by the court gives notice of action on the application
30 within five court days after it is filed. If the application is deemed granted under
31 this provision, the clerk must ~~execute~~ prepare and serve a Notice of Waiver of
32 Court Fees and Costs Notice: Waiver of Court Fees (form FW-005) five court
33 days after the application is filed.

34
35 **~~Rule 3.58. Hearing on application~~**

36
37 **(a) ~~Notice of hearing~~**

38
39 ~~If the court determines that there is substantial evidentiary conflict~~
40 ~~concerning the applicant's eligibility to proceed in forma pauperis, the clerk~~
41 ~~must immediately give the applicant at least 10 days' written notice of a~~
42 ~~hearing.~~

1 **(b) Confidentiality of hearing**

2
3 To ensure confidentiality of the applicant's financial information, the hearing
4 must be held in private and the court must exclude all persons except court
5 attachés, the applicant, those present with the applicant's consent, and any
6 witness being examined.
7
8

9 **Rule 3.59. Changed circumstances**

10
11
12 **(a) Duty to notify court of changed circumstances**

13
14 A person whose application to proceed in forma pauperis for an initial fee
15 waiver has been granted must promptly notify the court of any changed
16 financial circumstances affecting his or her ability to pay court fees and
17 costs.
18

19 **(b) Reconsideration by court**

20
21 The court may not reconsider a successful applicant's eligibility to proceed
22 in forma pauperis before the final determination of the case except in
23 connection with an application for waiver of additional court fees and costs
24 under rule 3.62 or in accordance with Government Code section 68511.3(d).
25

26 **(c) Authorization to determine if condition has changed**

27
28 The court may authorize the clerk of the court, the county financial officer,
29 or another appropriate county officer to determine whether a successful
30 applicant's financial condition has changed, enabling the applicant to pay all
31 or a portion of the fees and costs that were waived, in the following manner:
32

- 33 (1) The authorized officer must notify the applicant personally or in
34 writing that the applicant must complete and file a new application to
35 proceed in forma pauperis.
36
37 (2) The notice under (1) must be accompanied by a blank application form.
38
39 (3) No applicant may be required to submit a new completed application
40 more frequently than once every four months.
41
42 (4) The authorized clerk or county officer must review the new application.
43 If the clerk or officer determines that the applicant's financial condition

1 has changed, the court may order the applicant to pay a sum in a
2 manner that the court believes is compatible with the applicant's
3 financial ability.
4
5

6 **Rule ~~3.54~~ 3.60. Confidentiality**

7
8 **(a) Confidential records**

9
10 No person may have access to an application ~~to proceed in forma pauperis~~
11 for an initial fee waiver except the court and authorized court personnel,
12 ~~persons authorized to verify the information under rules 3.53 and 3.59(e) and~~
13 ~~under Government Code section 68511.3 and~~ any person authorized by the
14 applicant, and any persons authorized by order of the court. No person may
15 reveal any information contained in the application except as authorized by
16 law.
17

18 **(b) Request for access to confidential records**

19
20 Any person seeking access to an application or financial information
21 provided to the court by an applicant must make the request by noticed
22 motion, supported by a declaration showing good cause regarding why the
23 confidential information should be released.
24

25 **Rule ~~3.55~~ 3.61. Court fees and costs included in all initial fee waivers waived**
26 **by initial application**

27
28 Court fees and costs that must be waived upon granting an application ~~to proceed~~
29 ~~in forma pauperis~~ for an initial fee waiver include:

- 30
31 (1) Clerk's fees for filing papers;
32
33 (2) Clerk's fees for reasonably necessary certification and copying;
34
35 (3) Clerk's fees for issuance of process and certificates;
36
37 (4) Clerk's fees for transmittal of papers;
38
39 (5) Court-appointed interpreter's fees for parties in small claims actions;
40
41 (6) Sheriff's and marshal's fees under article 7 of chapter 2 of part 3 of division
42 2 of title 3 of division 2 of the Government Code (commencing with section
43 26720);

- 1
2 (7) Reporter’s daily fees for attendance at hearings and trials held within 60 days
3 of the date of the order granting the application;
4
5 (8) The court fee for a telephone appearance under ~~Government Code section~~
6 ~~68070.1(e)~~ Code of Civil Procedure section 367.5; and
7
8 (9) Clerk’s fees for preparing, certifying, and transmitting the clerk’s transcript
9 on appeal. A party proceeding ~~in forma pauperis~~ under an initial fee waiver
10 must specify with particularity the documents to be included in the clerk’s
11 transcript on appeal.
12
13

14 **Rule ~~3.56~~ 3.62. Additional court fees and costs that may be included in initial**
15 **fee waiver waived**
16

17 Necessary ~~The~~ court fees and costs that may be waived upon granting an
18 application for an initial fee waiver, either at the outset or upon later application,
19 include:
20

- 21 (1) Jury fees and expenses;
22
23 (2) Court-appointed interpreter’s fees for witnesses;
24
25 (3) Witness fees of peace officers whose attendance is reasonably necessary for
26 prosecution or defense of the case;
27
28 (4) Reporter’s fees for attendance at hearings and trials held more than 60 days
29 after the date of the order granting the application;
30
31 (5) Witness fees of court-appointed experts; and
32
33 (6) Other fees or expenses as itemized in the application.
34
35

36 **Rule 3.57 Amount of lien for waived fees and costs**
37

38 To determine the amount of the court lien for waived fees and costs, any party to
39 an action in which an initial fee waiver has been granted may ask the clerk to
40 provide the total amount of court fees and costs that have been waived as of the
41 date of the request.
42

1 **Rule 3.58 ~~3.63~~. Posting notice**

2
3 Each trial court must post in a conspicuous place near the filing window or counter
4 a notice, 8½ by 11 inches or larger, advising litigants in English and Spanish that
5 they may ask the court to waive court fees and costs. The notice must be
6 substantially as follows:

7
8 “NOTICE: If you are unable to pay fees and costs, ask the court to permit you to
9 proceed without paying them. Ask the clerk for the *Information Sheet on Waiver*
10 *of Court Fees and Costs* and the *Application for Waiver of Request to Waive Court*
11 *Fees and Costs.*”

1 Title 8. Appellate Rules

2
3 Division 1. Rules Relating to the Supreme Court and Courts of Appeal

4
5 Chapter 2. Civil Appeals

6
7
8 Rule 8.100. Filing the appeal

9
10 (a) * * *

11
12 (b) Fee and deposit

13
14 (1) Unless otherwise provided by law, the notice of appeal must be accompanied
15 by a \$655 filing fee under Government Code sections 68926 and 68926.1(b),
16 an application for a waiver of court fees and costs on appeal under rules ~~3.50–~~
17 ~~3.63~~ 8.102, or an order granting such an application. The fee should be paid by
18 check or money order payable to “Clerk, Court of Appeal”; if the fee is paid in
19 cash, the clerk must give a receipt.

20
21 (2) The appellant must also deposit \$100 with the superior court clerk under
22 Government Code section 68926.1, unless otherwise provided by law or the
23 superior court waives the deposit ~~under rules 3.50–3.63~~.

24
25 (3) The clerk must file the notice of appeal even if the appellant does not present
26 the filing fee, the deposit, or an application for, or order granting, a waiver
27 ~~under rules 3.50–3.63~~ of fees and costs.

28
29 (c) Failure to pay filing fee

30
31 (1) The reviewing court clerk must promptly notify the appellant in writing if:

32
33 (A) The reviewing court receives a notice of appeal without the filing fee
34 required by (b)(1), a certificate of cash payment under (e)(5), or an
35 application for, or order granting, a fee waiver under rules ~~3.50–3.63~~
36 8.102;

37
38 (B) A check for the filing fee is dishonored; or

39
40 (C) An application for a waiver under rules ~~3.50–3.63~~ 8.102 is denied.

41
42 (2) A clerk’s notice under (1) must state that the court may dismiss the appeal
43 unless, within 15 days after the notice is sent, the appellant either:

- 1
2 (A) Pays the fee; or
3
4 (B) Files an application for a waiver under rules ~~3.50–3.63~~ 8.102 if the
5 appellant has not previously filed such an application.
6

- 7 (3) If the appellant fails to take the action specified in a notice given under (2), the
8 reviewing court may dismiss the appeal, but may vacate the dismissal for good
9 cause.

10
11 **(d) Failure to pay deposit**
12

- 13 (1) If the appellant fails to pay the deposit to the superior court required under
14 (b)(2), the superior court clerk must promptly notify the appellant in writing
15 that the reviewing court may dismiss the appeal unless, within 15 days after the
16 notice is sent, the appellant either:

17
18 (A) Makes the deposit; or

19
20 (B) Files an application in the superior court for a waiver ~~under rules 3.50–~~
21 ~~3.63~~ of fees and costs if the appellant has not previously filed such an
22 application or an order granting such an application.
23

- 24 (2) If the appellant fails to take the action specified in a notice given under (1), the
25 superior court clerk must notify the reviewing court of the default.

- 26
27 (3) If the superior court clerk notifies the reviewing court of a default under (2),
28 the reviewing court may dismiss the appeal, but may vacate the dismissal for
29 good cause.
30

31 **(e)-(g) * * ***
32
33
34

35 **Rule 8.102. Waiver of fees and costs on appeal**
36
37

38 **(a) Definitions**
39

40 For purpose of the rules in this division, “initial fee waiver” means “initial waiver
41 of court fees and costs.”
42

1 **(b) Application form**

2
3
4 An application for initial waiver of court fees and costs for an appeal must be made
5 on *Request to Waive Court Fees for Appeal or Writ Proceeding in Court of Appeal*
6 (form APP-015/FW-015.) The clerk must provide the application form and the
7 *Information Sheet on Waiver of Court Fees and Costs for Appeal or Writ*
8 *Proceeding* (form APP-015/FW-015-INFO) without charge to any person who
9 requests them or states that he or she is unable to pay any court fee or cost.

10
11 **(c) Filing the application**

12
13 The appellant should file any application for initial waiver of court fees and costs
14 for an appeal with the notice of appeal in the superior court that issued the judgment
15 or order being appealed. The respondent should file any application for initial
16 waiver of the court fees and costs for an appeal at the time the fees are to be paid to
17 the court.

18
19 **(d) Procedure for determining application**

20
21 The application must be considered and determined as required by Government
22 Code section 68634.5. An order from the Court of Appeal determining the
23 application for initial fee waiver or setting a hearing on the application in the Court
24 of Appeal may be made on *Court Fee Order (Court of Appeal)* (form APP-
25 016/FW-016.)

26
27 **(e) Confidential records**

28
29 No person may have access to an application for an initial fee waiver submitted to
30 the court except the court and authorized court personnel, any person authorized by
31 the applicant, and any persons authorized by order of the court. No person may
32 reveal any information contained in the application except as authorized by law.
33 Any person seeking access to an application or financial information provided to the
34 court by an applicant must make the request by motion, supported by a declaration
35 showing good cause as to why the confidential information should be released.

36
37 **(f) Court fees and costs waived**

38
39 Court fees and costs that must be waived on granting an application for initial
40 waiver of court fees and costs for an appeal include:

- 41
42 (1) The fee for filing the notice of appeal;
43

1 submits an application for, or an order granting, a waiver of the cost ~~under~~
2 ~~rules 3.50–3.63.~~

3
4 (d) * * *

5
6
7
8 **Advisory Committee Comment**
9

10 **Subdivision (a).** * * *

11
12 **Subdivision (b).** * * *

13
14 **Subdivision (c).** Under subdivision (c)(2), a clerk who sends a notice under subdivision (c)(1) must
15 include a certificate stating the date on which the clerk sent it. This provision is intended to establish the
16 date when the 10-day period for depositing the cost of the clerk’s transcript under this rule begins to run.
17 The superior court will make the determination on any application to waive the fees for preparing,
18 certifying, copying, and transmitting the clerk’s transcript.
19

20
21 **Rule 8.128. Superior court file instead of clerk’s transcript**
22

23 (a) * * *

24
25 (b) **Cost estimate; preparation of file; transmittal**
26

27 (1) Within 10 days after a stipulation under (a) is filed, the superior court clerk
28 must mail the appellant an estimate of the cost to prepare the file, including
29 the cost of sending the index under (3). The appellant must deposit the cost or
30 an application for, or an order granting, a waiver of the cost within 10 days
31 after the clerk mails the estimate.
32

33 (2) Within 10 days after the appellant deposits the cost or the court files an order
34 waiving that cost, the superior court clerk must put the superior court file in
35 chronological order, number the pages, and attach a chronological index and a
36 list of all attorneys of record, the parties they represent, and any unrepresented
37 parties.
38

39 (3) * * *

40
41 (4) * * *

42
43 **Advisory Committee Comment**
44

1 **Subdivision (b).** The superior court will make the determination on any application to waive the fees for
2 preparing and transmitting the trial court file.
3

4
5 **Division 2. Rules Relating to the Superior Court Appellate Division**

6
7 **Chapter 2. Appeals and Records in Limited Civil Cases**
8

9
10 **Rule 8.821. Notice of appeal**
11

12 (a) * * *

13
14 (b) **Filing fee**

15
16 (1) Unless otherwise provided by law, the notice of appeal must be accompanied
17 by the filing fee required under Government Code section 70621, an
18 application for a waiver of court fees and costs on appeal under ~~rules 3.50–~~
19 ~~3.63~~ (c), or an order granting such an application for a waiver of court fees
20 and costs. The filing fee is nonrefundable.
21

22 (2) The clerk must file the notice of appeal even if the appellant does not present
23 the filing fee or an application for, or order granting, a waiver ~~under rules~~
24 ~~3.50–3.63~~ of court fees and costs.
25

26 (c) **Waiver of fees and costs on appeal**

27
28 (1) Definitions

29
30 For purpose of the rules in this division, “initial fee waiver” means “initial
31 waiver of court fees and costs.”
32

33
34
35 (2) Previous order granting a fee waiver

36
37 If the trial court previously issued an order granting a party’s request to
38 waive court fees and costs in a case and that fee waiver has not been
39 terminated or revoked, all of the court fees for an appeal to the appellate
40 division in that case that are listed in (7) are waived by that order and the
41 party is not required to file a new application for waiver of court fees and
42 costs for the appeal.
43

1 (3) Application

2
3 If the trial court did not previously issue an order granting a party's request to
4 waive court fees and costs in a case, an application for initial waiver of court
5 fees and costs for an appeal must be made on *Request to Waive Court Fees*
6 (form FW-001). The clerk must provide the application form and *Information*
7 *Sheet on Waiver of Court Fees and Costs for Appeal or Writ Proceeding*
8 (form APP-015/FW-015-INFO) without charge to any person who requests
9 them or states that he or she is unable to pay any court fee or cost

10
11 (4) Filing the application

12
13 The appellant should file any application for initial waiver of court fees and
14 costs for an appeal with the notice of appeal in the trial court that issued the
15 judgment or order being appealed. The respondent should file any application
16 for initial waiver of the court fees and costs for an appeal at the time the fees
17 are to be paid to the court.

18
19 (5) Procedure for determining application

20
21 The application must be considered and determined as required by
22 Government Code section 68634.5. An order determining the application for
23 initial fee waiver or setting a hearing on the application may be made on
24 *Court Fee Waiver Order (Superior Court)* (form FW-003).

25
26 (6) Confidential records

27
28 No person may have access to an application for an initial fee waiver
29 submitted to the court except the court and authorized court personnel, any
30 person authorized by the applicant, and any persons authorized by order of the
31 court. No person may reveal any information contained in the application
32 except as authorized by law. Any person seeking access to an application or
33 financial information provided to the court by an applicant must make the
34 request by motion, supported by a declaration showing good cause as to why
35 the confidential information should be released.

36
37 (7) Court fees and costs waived

38
39 Court fees and costs that must be waived upon granting an application for
40 initial waiver of court fees and costs for an appeal include:

41
42 (A) The fee for filing the notice of appeal;
43

1 (B) The clerk’s fees for preparing and certifying the clerk’s transcript on
2 appeal and for copying and transmitting a copy of this transcript to the
3 applicant; and

4
5 (C) Any court fee for telephonic oral argument.

6
7 **(e)(d) Failure to pay filing fee**

8
9 (1) The clerk must promptly notify the appellant in writing if:

10
11 (A) The court receives a notice of appeal without the filing fee required by
12 (b) or an application for, or order granting, a fee waiver ~~under rules~~
13 ~~3.50–3.63~~ of court fees and costs;

14
15 (B) A check for the filing fee is dishonored; or

16
17 (C) An application for a waiver under ~~rules 3.50–3.63~~ (c) is denied.

18
19 (2) A clerk’s notice under (1) must state that the court may dismiss the appeal
20 unless, within 15 days after the notice is sent, the appellant either:

21
22 (A) Pays the fee; or

23
24 (B) Files an application for a waiver under ~~rules 3.50–3.63~~ (c) if the
25 appellant has not previously filed such an application or an order
26 granting such an application.

27
28 (3) If the appellant fails to take the action specified in the notice given under (2),
29 the appellate division may dismiss the appeal, but may vacate the dismissal for
30 good cause.

31
32 **(d)(e) * * ***

33
34 **(e)(f) * * ***

35
36 **Advisory Committee Comment**

37
38 **Subdivision (a). * * ***

39
40 **Subdivision (b). * * ***

41
42 **Subdivision (c)(2).** The waiver of court fees and costs is called an “initial” waiver because, under
43 Government Code section 68630 and following, any such waiver may later be modified, ended, or

1 revoked if the court determines that the applicant was not or is no longer eligible for a waiver. The court
2 may, at a later time, order that the previously waived fees be paid.

3
4 **Subdivision (c)(4).** Under Government Code section 68634.5(f), an application for a fee waiver is
5 deemed granted unless the court gives notice of action on the application within five court days after it is
6 filed. The court will notify an applicant if an application is deemed granted.

7
8
9 **Rule 8.832. Clerk’s transcript**

10
11 **(a)–(b) * * ***

12
13 **(c) Deposit for cost of clerk’s transcript**

14
15 (1) Within 30 days after the respondent files a designation under (b)(1) or the time
16 to file it expires, whichever first occurs, the trial court clerk must send:

17
18 (A) To the appellant, notice of the estimated cost to prepare an original and
19 one copy of the clerk’s transcript; and

20
21 (B) To each party other than the appellant, notice of the estimated cost to
22 prepare a copy of the clerk’s transcript for that party’s use.

23
24 (2) A notice under (1) must show the date it was sent.

25
26 (3) Within 10 days after the clerk sends a notice under (1), the appellant and any
27 party wanting to purchase a copy of the clerk’s transcript must deposit the
28 estimated cost with the clerk, unless otherwise provided by law or the party
29 submits an application for a waiver of the cost under rule 8.821(c); or an order
30 granting; a waiver of ~~the this cost under rules 3.50–3.63.~~

31
32 **(d) * * ***

33
34
35 **Rule 8.833. Trial court file instead of clerk’s transcript**

36
37 **(a) * * ***

38
39 **(b) Cost estimate; preparation of file; transmittal**

40
41 (1) Within 10 days after the appellant serves a notice under rule 8.831 indicating
42 that the appellant elects to use a clerk’s transcript, the trial court clerk may
43 mail the appellant a notice indicating that the appellate division for that court
44 has elected by local court rule to use the original trial court file instead of a

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clerk's transcript and providing the appellant with an estimate of the cost to prepare the file, including the cost of sending the index under (4).

- (2) Within 10 days after the clerk mails the estimate under (1), the appellant must deposit the estimated cost with the clerk, unless otherwise provided by law or the party submits an application for a waiver of the cost under rule 8.821(c), or an order granting a waiver of ~~the~~ this cost ~~under rules 3.50–3.63~~.

(3)–(5) * * *

**Request to Waive Court Fees
(Superior Court)**

CONFIDENTIAL

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

v. 5 12.09.08

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Short Case Name:

If you are getting public assistance, 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 all or part of your court fees.

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
- You win or settle your case for **\$10,000** or more. The court will have a lien on any such award or settlement in the amount of the waived fees and costs.

The court may order you to answer questions about your finances and later order you to pay the fees. The court may also charge you any collection costs. To learn more about rules for payment of court fees, see form FW-001-INFO.

1 Your Information (*person asking the court to waive the fees*).

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your Job, if you have one (*job title*): _____ Name of employer: _____

Employer's address: _____

3 Your lawyer, if you have one (*name, address, phone number, e-mail, and State Bar number*): _____

a. You must have your lawyer fill out 3b. 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.

b. The lawyer has agreed to pay all or a portion of fees or costs for the client (check one): Yes No

Lawyer's signature: _____

4 Why are you asking the court to waive your court fees?

a. I receive (*check all that apply*): Medi-Cal Food Stamps SSI or SSP County Relief/General Assistance IHSS (In-Home Supportive Services) CalWorks or Tribal TANF (Tribal Temporary Assistance for Needy Families) CAPI (Cash Assistance Program for Aged, Blind and Disabled)

b. I have a low income, and the gross monthly income of my household (before deductions for taxes) is less than the amount listed below. (*If you check this box you must fill out 6, 7, and 8 on page 2 of this form*)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	<i>If more than 6 people at home, add \$375 for each extra person.</i>
1	\$1,083.54	3	\$1,888.34	5	\$2,583.34	
2	\$1,458.34	4	\$2,208.34	6	\$2,958.34	

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*): waive all court fees waive some of the court fees let me make payments over time (*explain*): _____ (*If you check section 4c, you must fill out page 2.*)

5 Check here if you asked the court to waive your court fees for this case in the last six months.

(*If your old 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

Your name: _____

If you checked 4a on page 1, do not fill out below. If you checked 4b, fill out questions 6, 7, and 8 only. If you checked 4c, 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.

6 Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

Your Monthly Income

7 a. Gross monthly income (before deductions): \$ _____
 List each payroll deduction and amount below:
 (1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 (4) _____ \$ _____
 (5) _____ \$ _____
 b. Total deductions from your monthly paycheck: \$ _____
 c. Total monthly take-home pay (7a. minus 7b.): \$ _____
 d. List the source and amount of any other income you get each month, including: 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) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 (4) _____ \$ _____
 (5) _____ \$ _____
 e. Your total monthly income is (7c plus 7d): \$ _____

Household Income

8 a. List all other family members living in your home and their income. Include your spouse and all individuals 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) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____
(5) _____	_____	_____	\$ _____

b. Total monthly income of **all** family members above: \$ _____
Total monthly income and household income (7e plus 8b): \$ _____

List any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc. (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.)

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

Your Money and Property

9 a. Cash ----- \$ _____
 b. All financial accounts (List bank name and amount)
 (1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 (4) _____ \$ _____
 (5) _____ \$ _____
 c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How much you still owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

 d. Real estate

Address	Fair Market Value	How much you still owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

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

Describe	Fair Market Value	How much you still owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

Your Monthly Expenses

(Do not include payroll deductions you already listed in 7b.)

10 a. Rent or house payment & maintenance \$ _____
 b. Food and household supplies \$ _____
 c. Utilities and telephone \$ _____
 d. Clothing \$ _____
 e. Laundry and cleaning \$ _____
 f. Medical and dental expenses \$ _____
 g. Insurance (life, health, accident, etc.) \$ _____
 h. School, child care \$ _____
 i. Child, spousal support (another marriage) \$ _____
 j. Transportation, gas, auto repair and insurance \$ _____
 k. Installment payments (list each below):

Paid to:	How much?
(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

 l. Wages/earnings withheld by court order \$ _____
 m. Any other monthly expenses (list each below).

Paid to:	How much?
(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

Total monthly expenses (add 10a–10m above): \$ _____

INFORMATION SHEET ON WAIVER OF COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, or if you are filing or have received a family law petition, and if you cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you are getting public assistance, 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 ask the court to waive all or part of your court fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees (Superior Court)* (form FW-001). 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 certifying copies
 - Sheriff's fee to give notice
 - Court fees for telephone hearings
 - Reporter's daily fee (*for up to 60 days at the court-approved daily rate*)
 - Preparing, certifying, and sending the clerk's transcript on appeal.
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter in small claims court
2. If you have other court fees during your case in superior court, you may ask the court to waive those also. Complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002). 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
 - Reporters' daily fees beyond the 60-day limit
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
 - Other necessary court fees
3. If you want the Court of Appeal to review an order or judgment against you and you want the court fees waived, complete *Request to Waive Court Fees for an Appeal or Writ Proceeding in Court of Appeal* (form APP-015/FW-015) to ask that all or part of the court fees for the petition or appeal be waived.

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Please 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 to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court within five days if your finances improve or if you become able to pay court fees or costs during this case. (File *Notice of Improved Financial Circumstances or Settlement* (form FW-010 with the court.)) You may be ordered to repay any amounts that were waived after your eligibility 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. (Government Code, § 68637(d), (e).))
- **If you settle your 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. (This does not apply to family law cases or unlawful detainers.)
- **The court can collect fees and costs due to the court.** If waived fees and costs are ordered paid to the trial court, 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 when the court finds that you are not eligible for a fee waiver.
- **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.

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

v.5 12.09.08

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and case name:

Case Number:

Short Case Name:

1 Your Information *(person asking the court to waive the fees):*

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your lawyer, if you have one *(name, address, phone number, e-mail, and State Bar number):* _____

a. You must have your lawyer fill out 3b. 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.

b. The lawyer has agreed to pay all or a portion of fees or costs for the client *(check one)*: Yes No

Lawyer's signature: _____

3 Date your *last* court fee waiver order, if any, was granted: _____

4 Has your financial situation changed since your last *Request to Waive Court Fees*? No Yes *(If yes, you must fill out a new Request to Waive Court Fees, form FW-001 and attach it to this form.)*

5 What other fees do you want your court fee waiver order to cover? *(Check all that apply):*

- a. Jury fees and expenses
- b. Court-appointed interpreter fees for a witness
- c. Fees for a peace officer to testify in court
- d. Reporters' daily fees beyond the 60-day limit
- e. Fees for court-appointed experts
- f. Other *(specify)*: _____

6 Why do you need these other services? *(Explain)*: _____

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

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Print your name here

Sign here

Court Fee Waiver Order (Superior Court)

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

v.6 12.09.08

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and case name:

Case Number:

Case Name:

1 Person who asked the court to waive court fees:
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____

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

3 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 are court orders.

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

4 After reviewing your (check one): Request to Waive Court Fees Request to Waive Additional Court Fees Request to Waive Court Fees for an Appeal or Writ in Court of Appeal, **the court makes the following orders:**

- a. **Fee Waiver.** The court grants your request and waives your court fees and costs listed below (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:
 - Filing papers in Superior Court
 - Making copies and certifying copies
 - Sheriff's fee to give notice
 - Reporter's daily fee (for up to 60 days at the court-approved daily rate)
 - Preparing and certifying the clerk's transcript on appeal
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter in small claims court
 - Court fees for phone hearing

- b. **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 a peace officer to testify in court
 - Fees for court-appointed experts
 - Court-appointed interpreter fees for a witness
 - Reporters' daily fees beyond the 60-day limit
 - Other (specify): _____

- c. **Fee Waiver for Appeal.** The court grants your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 3.55 and 3.56.*) You do not have to pay for the checked items.
 - Preparing and certifying clerk's transcript for appeal
 - Other (specify): _____

Case Number: _____

Your name: _____

- d. The court **denies** your request because it is incomplete. You have **10 days** after this order is given to you in person or **15 days** after it is mailed to you:
 - Pay your fees and costs, or
 - File a new revised request that includes the items listed below
(specify incomplete items): _____

Warning! If you miss the deadline, we cannot process your revised request or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- e. The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (specify reasons): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order*, form FW-006. You have **10 days** after this Order is given to you in person or **15 days** after it is mailed to you to:

Warning! If you miss the deadline, we 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.

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. (Use form FW-006 to request hearing.)

- f. The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (specify questions regarding eligibility): _____

Bring the following proof to support your request if reasonably available: _____

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from above: _____ _____
	Dept.: _____	Rm.: _____	

Warning! If 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 your 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.

Date: _____

Signature of (check one): judicial 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 *Request for Accommodation*, Form MC-4 I O. (Civil Code, § 54.8.)

Clerks' Certificate of Mailing

(SEAL)

I certify that I am not involved in this case and (check one):

- A certificate of mailing is attached.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ② above.

On (date): _____ From (city): _____, California

Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
ORDER ON APPLICATION FOR WAIVER OF ADDITIONAL COURT FEES AND COSTS (Cal. Rules of Court, rule 3.62)	CASE NUMBER: _____

1. The application was filed on (date): _____ A previous order was issued on (date): _____
2. The application was filed by (name): _____
3. IT IS ORDERED that the application is **granted** in whole in part (complete item 4 below).
 - a. **No payments.** Payment of all the fees and costs listed in California Rules of Court, rule 3.62, is **waived**.
 - b. **Applicant shall pay** all the fees and costs listed in California Rules of Court, rule 3.62, EXCEPT the following:
 - (1) Jury fees and expenses.
 - (2) Court-appointed interpreter for witnesses.
 - (3) Witness fees of peace officers.
 - (4) Reporter's fees (beyond 60 days).
 - (5) Court-appointed experts.
 - (6) Other fees and costs (specify): _____
 - c. **Method of payment.** Applicant shall pay all the fees and costs when charged, EXCEPT as follows:
 - (1) Pay (specify): _____ percent.
 - (2) Pay: \$ _____ per month or more until the balance is paid.
 - d. The clerk of the court, county financial officer, or appropriate county officer is authorized to require the applicant to appear before and be examined by the court no sooner than four months from the date of this order, and not more than once in any four-month period.
 The applicant is ordered to appear for the court's review of the applicant's financial status as follows:

Date:	Time:	Dept.:	Room:
-------	-------	--------	-------
 - e. The clerk is directed to mail a copy of this order only to the applicant's attorney or to the applicant if not represented.
 - f. **All unpaid fees and costs shall be deemed to be taxable costs if applicant is entitled to costs and shall be a lien on any judgment recovered by the applicant and shall be paid directly to the clerk by the judgment debtor upon such recovery.**
4. IT IS ORDERED that the application is **denied** in whole in part for the following reasons (see Cal. Rules of Court, rules 3.50–3.63):
 - a. Monthly household income exceeds guidelines (Gov. Code, § 68511.3(a)(6)(B); form FW-001-INFO).
 - b. Other (Complete line 4b on page 2).
 - c. The applicant shall pay any fees and costs due in this action within 10 days from the date of service of this order or any paper filed by the applicant with the clerk will be of no effect.
 - d. The clerk is directed to mail a copy of this order to all parties who have appeared in this action.
5. IT IS ORDERED that a **hearing** be held.
 - a. The substantial evidentiary conflict to be resolved by the hearing is (specify): _____
 - b. **Applicant should be present** at the hearing to be held as follows:

Date:	Time:	Dept.:	Room:
-------	-------	--------	-------
 - c. The address of the court is (specify):
 Same as above
 - d. The clerk is directed to mail a copy of this order only to the applicant's attorney or to the applicant if not represented.

Date: _____ _____ JUDICIAL OFFICER Clerk, by _____, Deputy
 (Clerk may GRANT in full a nondiscretionary fee waiver; see Cal. Rules of Court, rule 3.56.)

PLAINTIFF/PETITIONER (Name):	CASE NUMBER:
DEFENDANT/RESPONDENT (Name):	

4b Application is denied in whole or in part (specify reasons):

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown below, and that the mailing of the foregoing and execution of this certificate occurred at (place): _____, California, on (date): _____

Clerk, by _____, Deputy

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REVOKED

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____

Clerk, by _____, Deputy

(SEAL)

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL
v.5 12.09.08**

1 Person who asked the court to waive court fees:
Name: _____
Mailing address: _____
City: _____ State _____ Zip _____
Phone number: _____

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

3 Your Request to Waive Court Fees was filed on (date): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and case name:

Case Number:

Case Name:

4 Your request is **granted because no court action was taken within five days after it was filed. A fee waiver is granted for the following court fees and costs (*Cal. Rules of Court, rule 3.55*):**

- Filing papers
- Giving notice and certificates
- Sending papers to another court department
- Reporter's daily fee (*for up to 60 days at the court-approved daily rate*)
- Court fee for phone hearing
- Preparing and certifying clerk's transcript on appeal.
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court-appointed interpreter in small claims court

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

**Clerk's Certificate
of Mailing**
(SEAL)

I certify that I am not involved in this case and (*check one*):

- A certificate of mailing is attached.
- This notice was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2 above.

On (date): _____ From (city): _____, California

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

v.4 12.09.08

1 Your Information *(person who asked the court to waive court fees):*
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone number: _____

2 Your lawyer, if you have one *(name, address, phone number, e-mail, and State Bar number):* _____

3 Date of order denying your request to waive court fees:
(month/day/year): _____

(Check here if you have a copy of the order denying your request, and attach it to this form.)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and case name:

Case Number:

Case Name:

4 I ask the court for a hearing on my fee waiver request so that I can bring more information about my financial situation.

5 *(Complete if you want to tell the court in advance what you want the court to consider at the hearing.)*
The additional facts that support my request for a fee waiver are *(describe):*

(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. You may also attach copies of documents you want the court to look at.)

Date: _____

Print your name here

Sign here



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office for *Request for Accommodation*, form MC-410.

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

v.4 12.09.08

Fill out court name and street address:

Superior Court of California, County of

Fill in case number and case name:

Case Number:

Case Name:

1 Person who asked for the hearing:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone number: _____

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

3 The court received your request for a hearing about your court fees on (date): _____

Read this form carefully. All checked boxes are court orders.

4 The court grants your request for a hearing on your eligibility for a fee waiver. **Go to your court hearing** on the date below. You may bring information about your financial situation to the hearing.

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from above: _____
	Dept.: _____	Rm.: _____	

- 5** The court **denies** your request for a hearing because (*check all that apply*):
- a. The hearing request was not filed within 10 days of personal delivery or 15 days of the mailing of the denial of your request to waive fees.
 - b. No request to waive fees has been denied by the court in your action.
 - c. Other (*explain*): _____

Date _____

Signature of (check one): *judicial 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 five days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410.

- Clerk's Certificate of Mailing-

(SEAL)

I certify that I am not involved in this case and (*check one*):

- A certificate of mailing is attached.
- This notice was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2 above.

On (date): _____ From (city): _____, California

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

v.4 12.09.08

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Person who asked the court to waive court fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

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

3 A request to waive court fees was filed (date): _____

4 There was a hearing on (date): _____
at (time): _____ in (Department): _____

The following people were at the hearing (check all that apply):

Person in 1 Lawyer in 2

Others (names): _____

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

Read this form carefully. All checked boxes are court orders.

5 After reviewing your (check one): Request to Waive Court Fees Request to Waive Additional Court Fees
 Request to Waive Court Fees on Appeal or Writ Petition in Court of Appeal, **the court makes the following order:**

- a. **Fee Waiver.** The court **grants** your request and waives your court fees and costs listed below (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:
 - Filing papers in superior court
 - Making copies and certifying copies
 - Sheriff's fee to give notice
 - Reporter's daily fee (*for up to 60 days at the court-approved daily rate*)
 - Preparing and certifying the clerk's transcript on appeal
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter in small claims court
 - Court fees for phone hearing

- b. **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
 - Reporters' daily fees beyond the 60-day limit
 - Other (*specify*): _____
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness

- c. **Fee Waiver for Appeal.** The court **grants** your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 8.102 and 8.821.*) You do not have to pay for the checked items.
 - Preparing and certifying clerk's transcript for appeal
 - Other (*specify*): _____

Case Name: _____	Case Number: _____
-------------------------	---------------------------

- d. The court **denies** your request and **will not waive or reduce** your fees because:
1. Your request is incomplete, and you did not provide the information that the court requested (*specify items missing*):

 2. You did not go to court on the hearing date to provide the information the court needed to make a decision.
 3. The information you provide shows that you are not eligible for the fee waiver you requested because (*check all that apply*):
 - a. Your income is too high.
 - b. Other (*explain*): _____
 4. There is not enough evidence to support a fee waiver.
 5. Other (*state reasons*): _____

Warning: You have **10 days** from the date this order was given to you in person or **15 days** from the date it was mailed to you to pay your fees. If you do not, your court papers will not be processed. If the papers were a notice of appeal, your appeal may be dismissed.

e. The court **partially grants** your request so you can pay court fees without using the money you need to pay for your household's basic needs. You are ordered to pay a portion of your fees, **as checked below**. The court only partially grants the request because (*state reasons for partial denial*): _____

1. You must pay _____ % of your court fees.
2. The court waives some fees. The fees checked below are waived. You must pay all other court fees.

<input type="checkbox"/> Filing papers at superior court	<input type="checkbox"/> Giving notice and certificates
<input type="checkbox"/> Sheriff's fee to give notice	<input type="checkbox"/> Sending papers to another court department
<input type="checkbox"/> Court-appointed interpreter	<input type="checkbox"/> Court-appointed interpreter fees for a witness
<input type="checkbox"/> Reporter's daily fee up to 60 days	<input type="checkbox"/> Reporter's daily fees beyond the 60-day limit
<input type="checkbox"/> Jury fees and expenses	<input type="checkbox"/> Fees for a peace officer to testify in court
<input type="checkbox"/> Court-appointed experts' fees	<input type="checkbox"/> Court fees for phone hearings
<input type="checkbox"/> Making certified copies	
<input type="checkbox"/> Other (<i>explain</i>): _____	
3. The court allows you to make monthly payments. You must pay (*specify amount*) \$ _____ each month until all fees are paid. First payment is due (*date*): _____
4. Other (*specify*): _____

Warning: Your court papers will not be processed until you pay the court fees as checked above. You have **until the date in 3** above or, if no date is given, you have **15 days** from the date this Order is mailed to you. If the papers were a notice of appeal, your appeal may be dismissed.

Date: _____



Signature of judicial officer

Clerk's Certificate of Mailing

(SEAL)

I certify that I am not involved in this case and (*check one*):

- A certificate of mailing is attached.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ② above.

On (*date*): _____ From (*city*): _____, California

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

**NOT APPROVED BY
JUDICIAL COUNCIL**

v.5 12/09/08

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

- 1 **Your Information** *(person with a fee waiver):*
 Name: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____
 Phone number: _____
- 2 **Your lawyer**, if you have one *(name, address, phone number, e-mail, and State Bar number):* _____

- 3 Date of your *last* court fee waiver order in this case:
(date) _____

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

- 4 My financial situation has improved since the date of the last court fee waiver order. I ask the court to do one of the following:
 - a. **End** my fee waiver because my financial situation has improved and I am able to pay my court fees and cost as of *(date)*: _____.
 - b. **Review** my updated financial information in the attached *Request to Waive Court Fees*. I believe I am still eligible for a fee waiver. *(Complete form FW-001 and attach to this form.)*
- 5 My case has settled for *(check one)* less than \$10,000 \$10,000 or more *(if so, complete a and b below.)*
 - a. I *(check one)* have have not received the proceeds of the settlement.
 - b. The name and address of the party who has agreed to pay the settlement:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Print your name here

Sign here

**Notice to Appear for
Reconsideration of Fee Waiver**

Clerk stamps date here when form is filed.

Draft v.4 12.09.08

**NOT APPROVED BY
JUDICIAL COUNCIL**

1 Name of person who asked the court to waive court fees:

Street or mailing address: _____

City: _____ State: _____ Zip _____

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

Fill in court name and street address:

Superior Court of California, County of

3 The court has information that (check all that apply):

a. Your financial situation may have changed, or you may no longer be eligible for a fee waiver because (*explain*): _____

b. You may be increasing the costs of your case unnecessarily. The fee waiver for the court services you are using may be limited because (*explain*): _____

c. Your case is coming to an end, and the court requires some information about your eligibility to have your court fees waived.

Fill in case name and number-

Case Number:

Case Name:

4 You must go to court on the date below:

**Hearing
Date** →

Date: _____ Time: _____ Name and address of court if different from above: _____
Dept.: _____ Rm.: _____

Bring the following information if reasonably available: _____

Warning: If you do not go to the hearing on this date, the court may cancel your fee waiver.

Date: _____

Signature of (check one): *judicial 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 five days before your hearing. Contact the clerk's office for *Request for Accommodation*, form MC-410. (*Civil Code, § 54.8.*)

**Clerk's Certificate
of Mailing**

(SEAL)

I certify that I am not involved in this case and (*check one*):

- A Certificate of Mailing is attached.
- This *Order* was mailed first class, postage paid, to the party and attorney if any, at the addresses listed in 1 and 2 above.

On (date): _____ From (city): _____, California

Clerk, by _____, Deputy

Court Fee Order After Reconsideration Hearing (Superior Court)

Clerk stamps date here when form is filed.

NOT APPROVED BY JUDICIAL COUNCIL

v.4 12.09.08

1 Name of person who asked the court to waive court fees:

Street or mailing address: _____
City: _____ State: _____ Zip: _____

2 Name of lawyer, if person in **1** has one (name, address, phone number, e-mail, and State Bar number):

3 The court made a previous fee waiver order in this case on (date):

4 The court sent you an order to go to court about your fee waiver on (date):

Fill out court name and street address:

Superior Court of California, County of

Fill in case name and number.

Case Name:

Case Number:

Read this form carefully. All checked boxes are court orders.

5 There was a hearing on (date): _____ at (time): _____ in (Dept.): _____
The following people were at the hearing (check all that apply): the person in **1** the lawyer in **2**
 Others (names): _____

6 After considering the information provided at the hearing, **the court makes the following order:**
a. **No Change to Fee Waiver.** The *Court Fee Waiver Order* issued by this court on (date) _____ remains in effect. No change is made at this time,
b. **Fee Waiver Is Ended as of (date)** _____. The court finds that beginning on that date you were no longer eligible for a fee waiver because (state reasons): _____

- 1. You must pay all court fees in this case from the date of this order.
- 2. You must also pay the court \$ _____ for fees that were initially waived after you were no longer eligible.
 - a. You must pay that amount within 10 days of this order.
 - b. You may pay that amount in monthly payments of \$ _____ beginning (date): _____

- c. **Fee Waiver Is Withdrawn.** The court finds that you were never entitled to a fee waiver in this case because (state reasons): _____
 - 1. You must pay all court fees in this case from the date of this order.
 - 2. You must also pay the court \$ _____ for fees that the court initially waived.
 - a. You must pay that amount within 10 days of this order.
 - b. You may pay that amount in monthly payments of \$ _____ beginning (date): _____

Case Number: _____

Your name: _____

d. **Fee Waiver Is Modified.** The court finds that you obtained the initial fee waiver in bad faith, for an improper purpose, or to needlessly increase the costs of litigation. The court places the following limitations on the fee waiver that was granted to you:

- 1. You must pay all court fees in this case from the date of this order.
- 2. From the date of this order, only the following court fees will be waived. (*court to check all that apply*)

You must pay for all court fees that are not checked below:

- Filing papers at superior court Making certified copies Giving notice and certificates
- Sheriff's fee to give notice Sending papers to another court department
- Court-appointed interpreter Court-appointed interpreter fees for a witness
- Reporter's daily fee up to 60 days Reporters' daily fees beyond the 60-day limit
- Jury fees and expenses Fees for a peace officer to testify in court
- Court-appointed experts' fees Phone Hearings
- Other (*explain*): _____

3. Other Modification: _____

e. **Other Order:** _____

Date: _____

▶ _____
Signature of judge or judicial officer

Clerk's Certificate of Mailing
(SEAL)

I certify that I am not involved in this case and (*check one*):

- A certificate of mailing is attached.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ② above.

On (*date*): _____ From (*city*). _____, California

Clerk, by _____, Deputy

SUMMONS (Family Law)

CITACIÓN (Derecho familiar)

NOTICE TO RESPONDENT (Name):
AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY
(SÓLO PARA USO DE LA CORTE)

You are being sued. Lo están demandando.

Draft 4 12/10/08 xyz

Not approved by the
Judicial Council

Petitioner's name is:

Nombre del demandante:

CASE NUMBER (NÚMERO DE CASO):

You have 30 calendar days after this Summons and
Petition are served on you to file a Response (form
FL-120 or FL-123) at the court and have a copy
served on the petitioner. A letter or phone call will not
protect you.
If you do not file your Response on time, the court
may make orders affecting your marriage or domestic
partnership, your property, and custody of your
children. You may be ordered to pay support and
attorney fees and costs. If you cannot pay the filing
fee, ask the clerk for a fee waiver form.
If you want legal advice, contact a lawyer immediately.
You can get information about finding lawyers at the
California Courts Online Self-Help Center
(www.courtinfo.ca.gov/selfhelp), at the California Legal
Services Web site (www.lawhelpcalifornia.org), or by
contacting your local county bar association.

Tiene 30 días corridos después de haber recibido la entrega legal
de esta Citación y Petición para presentar una Respuesta
(formulario FL-120 ó FL-123) ante la corte y efectuar la entrega
legal de una copia al demandante. Una carta o llamada telefónica
no basta para protegerlo.
Si no presenta su Respuesta a tiempo, la corte puede dar órdenes
que afecten su matrimonio o pareja de hecho, sus bienes y la
custodia de sus hijos. La corte también le puede ordenar que pague
manutención, y honorarios y costos legales. Si no puede pagar la
cuota de presentación, pida al secretario un formulario de exención
de cuotas.
Si desea obtener asesoramiento legal, póngase en contacto de
inmediato con un abogado. Puede obtener información para
encontrar a un abogado en el Centro de Ayuda de las Cortes de
California (www.sucorte.ca.gov), en el sitio Web de los Servicios
Legales de California (www.lawhelpcalifornia.org) o poniéndose en
contacto con el colegio de abogados de su condado.

NOTICE: The restraining orders on page 2 are effective against both spouses or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.

AVISO: Las órdenes de restricción que figuran en la página 2 valen para ambos cónyuges o pareja de hecho hasta que se despida la petición, se emita un fallo o la corte dé otras órdenes. Cualquier autoridad de la ley que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California.

NOTE: If a judgment or support order is entered, the court may order you to pay all or part of the fees and costs that the court waived for yourself or for the other party. If this happens, the party ordered to pay fees shall be given notice and an opportunity to request a hearing to set aside the order pay waived court fees.

AVISO: Si se emite un fallo u orden de manutención, la corte podría ordenar que usted pague parte o todas las cuotas y costos de la corte previamente exentas para usted o la otra parte. Si eso ocurre, la parte ordenada a pagar estas cuotas debe recibir noticia y una oportunidad de solicitar una audiencia para anular la orden de pagar las cuotas exentas.

- 1. The name and address of the court are (El nombre y dirección de la corte son):
2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are:
(El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son):

Date (Fecha): Clerk, by (Secretario, por) , Deputy (Asistente)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
AVISO A LA PERSONA QUE RECIBIÓ LA ENTREGA: Esta entrega se realiza
a. as an individual. (a usted como individuo.)
b. on behalf of respondent who is a (en nombre de un demandado que es):
(1) minor (menor de edad)
(2) ward or conservatee (dependiente de la corte o pupilo)
(3) other (specify) (otro - especifique):
(Read the reverse for important information.) (Lea importante información al dorso.)

WARNING—IMPORTANT INFORMATION

WARNING: California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse or domestic partner are restrained from

1. Removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
2. Cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor child or children;
3. Transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. Creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

ADVERTENCIA – INFORMACIÓN IMPORTANTE

ADVERTENCIA: De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para los fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

ÓRDENES DE RESTRICCIÓN NORMALES DE DERECHO FAMILIAR

En forma inmediata, usted y su cónyuge o pareja de hecho tienen prohibido:

1. Llevarse del estado de California a los hijos menores de las partes, si los hubiera, sin el consentimiento previo por escrito de la otra parte o una orden de la corte;
2. Cobrar, pedir prestado, cancelar, transferir, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura, tal como de vida, salud, vehículo y discapacidad, que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es);
3. Transferir, gravar, hipotecar, ocultar o deshacerse de cualquier manera de cualquier propiedad, inmueble o personal, ya sea comunitaria, cuasicomunitaria o separada, sin el consentimiento escrito de la otra parte o una orden de la corte, con excepción las operaciones realizadas en el curso normal de actividades o para satisfacer las necesidades de la vida; y
4. Crear o modificar una transferencia no testamentaria de manera que afecte el destino de una propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Antes de que se pueda eliminar la revocación de una transferencia no testamentaria, se debe presentar ante la corte un aviso del cambio y hacer una entrega legal de dicho aviso a la otra parte.

Cada parte tiene que notificar a la otra sobre cualquier gasto extraordinario propuesto, por lo menos cinco días laborales antes de realizarlo, y rendir cuenta a la corte de todos los gastos extraordinarios realizados después de que estas órdenes de restricción hayan entrado en vigencia. No obstante, puede usar propiedad comunitaria, cuasicomunitaria o suya separada para pagar a un abogado o para ayudarle a pagar los costos de la corte.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name and address)</i> TELEPHONE NO.: _____ FAX NO. <i>(optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY Draft 6 12/10/08 xyz Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER:	
ORDER TO PAY WAIVED COURT FEES AND COSTS	CASE NUMBER:

1. This proceeding was heard as follows: Default or uncontested By declaration under Family Code section 2336
 Contested

on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____

- a. by Judge *(name)*: Temporary Judge
- b. Petitioner/plaintiff present Attorney present *(name)*:
- c. Respondent/defendant present Attorney present *(name)*:
- d. Other present Attorney present *(name)*:
- e. On the order to show cause or motion filed *(date)*: _____ by *(name)*: _____

2. THE COURT FINDS

- a. The court made an order waiving court fees and costs for petitioner respondent in this matter on *(date)*:
- b. The court made an order for support payable by petitioner respondent to petitioner respondent. on *(date)*:
- c. After considering information in the court file and other evidence, petitioner respondent has the ability to pay all or part of the waived court fees and costs.

3. THE COURT ORDERS:

- a. Petitioner Respondent must pay to the court *(total amount)*: \$ _____ for waived court fees and costs
 after all current support and accrued support arrears have been paid.
- b. This amount is due:
 - (1) Within 10 days from the date the person in 3a was personally served this *Order to Pay Waived Court Fees and Costs* OR within 15 days from the date the person in 3a was served by mail with this *Order to Pay Waived Court Fees and Costs*.
 - (2) _____ per month until paid in full, beginning *(date)*:
 - (3) Other *(specify)*:
- c. Payment be sent to *(specify)*:

PETITIONER:	CASE NUMBER:
RESPONDENT:	

4. NOTICE TO:

- Petitioner Respondent , Initial fee waiver recipient, ordered to pay waived court fees and costs.
- Petitioner Respondent , Support obligor ordered to pay the initial fee waiver recipient's waived court fees and costs.
- The party ordered to pay fees and costs who did not receive the initial fee waiver AND was not present at the trial or hearing when the court ordered payment of waived court fees and costs.

**YOU HAVE AN OPPORTUNITY FOR A HEARING TO REQUEST THAT
THE COURT SET ASIDE THE ORDER TO PAY WAIVED COURT FEES AND COSTS**

- a. To request a hearing, complete and file with the court clerk:
(1) *Notice of Motion* (form FL-301) or *Order to Show Cause* (form FL-300) and
(2) *Application to Set Aside Order to Pay Waived Court Fees and Costs—Attachment* (form FL-337)
- b. The forms specified in a. must be completed and filed with the court clerk within 30 days from the date of personal service of the *Order to Pay Waived Court Fees and Costs* **OR** within 35 days from the date the *Order to Pay Waived Court Fees and Costs* was served by mail.
- c. In addition, the party requesting the hearing must serve the other party with
(1) Copies of the documents in a. filed with the court, and
(2) A **blank** *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320).
You can obtain these forms from the clerk of the court, your county law library, or online at www.courtinfo.ca.gov/forms.
- d. If a request for hearing is filed with the court clerk within the time specified in b., the order to pay waived court fees and cost will not be enforced until after the hearing.

WARNING: The court has ordered you to pay court fees and costs. If you do not pay the court fees and costs, the court can institute collection proceedings and charge you interest and a collection fee.

Date:

 Signature of Judicial Officer

PETITIONER:	CASE NUMBER:
RESPONDENT:	

APPLICATION TO SET ASIDE ORDER TO PAY WAIVED COURT FEES AND COSTS—ATTACHMENT

Attachment to **Notice of Motion (form FL-301)** **Order to Show Cause (form FL-300)**

- I am the petitioner respondent. I request that the court set aside the *Order to Pay Waived Court Fees and Costs*.
- In making this request, I ask the court to consider the information in the court's case file, the information attached to this application, the information specified in the supporting declaration, and the evidence presented at the hearing.

NOTICE

To request a hearing, the party must complete and file with the court clerk the following: (1) *Notice of Motion* (form FL-301) or *Order to Show Cause* (form FL-300) and (2) *Application to Set Aside Order to Pay Waived Court Fees and Costs (Family Law)* (Form FL-337). These forms must be completed and filed with the court clerk within 30 days from the date of personal service of the *Order to Pay Waived Court Fees and Costs* **OR** within 35 days from the date the *Order to Pay Waived Court Fees and Costs* was served by mail.

In addition, the party requesting the hearing must serve the other party with (1) Copies of the above-listed documents filed with the court and (2) A **blank** *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320). You may obtain Judicial Council forms at the clerk of the court, your county law library, or at www.courtinfo.ca.gov/forms.

If the request for hearing is filed with the court clerk within this time, the *Order to Pay Waived Court Fees and Costs* will not be enforced until after the hearing.

- The reasons in support of this request are (*specify*):
 Supporting declarations attached. You may use *Attached Declaration* (form MC-031).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY Draft 5 12/09/08 gds Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY:	
ORDER AFTER HEARING ON MOTION TO SET ASIDE ORDER TO PAY WAIVED COURT FEES AND COSTS	CASE NUMBER:

1. This proceeding was heard on (*date*): _____ at (*time*): _____ in Dept: _____ Room: _____
 by Judge (*name*): _____ Temporary Judge

2. a. Petitioner/plaintiff present Attorney present (*name*): _____
 b. Respondent/defendant present Attorney present (*name*): _____
 c. Other party present Attorney present (*name*): _____

3. The order to pay waived court fees and costs filed (*date*): _____ ordering (*name*): _____
 to pay court fees and costs
 a. is not set aside on the following grounds (*specify*): _____

b. is set aside on the following grounds (*specify*): _____

4. Other (*specify*): _____

Date: _____

JUDICIAL OFFICER

This form asks the court to waive court fees and costs in an appeal or writ proceeding in the Court of Appeal. Before you fill out this form, read Information Sheet on Waiver of Court Fees and Costs for Appeal or Writ Proceeding (form APP-015/FW-015-INFO) to know your rights and responsibilities. You can get this form at any courthouse, county law library, or at www.courtinfo.ca.gov/forms.

Clerk stamps date here when form is filed.

NOT APPROVED BY JUDICIAL COUNCIL v.8 12.10.08

1 Your Information (person asking the court to waive the fees)

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone number: _____ - _____

2 Your lawyer, if you have one (Name, address, phone number, email, and State Bar number):

a. 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. You must have your lawyer fill out b.

b. The lawyer has agreed to pay all or a portion of the court fees or costs for the client (check one): Yes No

Lawyer's signature: _____

Fill in information about the case you are appealing

Superior Court of California

County of: _____

Court address: _____

Superior Court Case Number: _____

Superior Court Case Name: _____

Clerk to fill in:

Court of Appeal Case Number: _____

Appellate District Division Number: _____

3 Has any court previously granted you a fee waiver in this case? Yes No

(If yes, give the name of the court that issued the last court fee waiver order in this case and the date you received that order (month/day/year): _____

4 Your job, if you have one (job title): _____ Name of employer: _____

Employer's address: _____

5 Why are you asking the court to waive your court fees?

a. I receive (check all that apply): Medi-Cal Food Stamps SSI or SSP County Relief/General Assistance IHSS (In-Home Supportive Services) CalWorks or Temporary Tribal Assistance for Needy Families) CAPI (Cash Assistance Program for Aged, Blind, and Disabled)

b. I have a low income; the gross monthly income of my household is less than the amount listed below. (If you check this box you must fill out 6, 7, and 8 on page 2 of this form)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$375 for each extra person.
1	\$1,083.54	3	\$1,888.34	5	\$2,583.34	
2	\$1,458.34	4	\$2,208.34	6	\$2,958.34	

c. I do not have enough income to pay for my household's basic needs and the court fees. (If you check this box, you must fill out page 2 of this form).

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

Case Number: _____

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 6, 7, and 8 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.

6. Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

Your Monthly Income

7. a. Gross monthly income (before deductions): \$ _____
List each payroll deduction and amount below:
(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
(5) _____ \$ _____
b. Total deductions from your monthly paycheck: \$ _____
c. Total monthly take-home pay (7a minus 7b): \$ _____
d. List the source and amount of any other income you get each month, including: 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) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
(5) _____ \$ _____
e. Your total monthly income is (7c plus 7d): \$ _____

Household Income

8. a. List all other family members living in your home and their income. Include your spouse and all individuals 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) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____
(5) _____	_____	_____	\$ _____

b. Total monthly income of all family members above: \$ _____

Total monthly income and household income (7e plus 8b): \$ _____

List any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc. (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.)

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

Your Money and Property

9. a. Cash ----- \$ _____
b. All financial accounts (List bank name and amount)
(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____
(5) _____ \$ _____
c. Cars, boats, and other vehicles
Make / Year Fair market value How much you still owe
(1) _____ \$ _____ \$ _____
(2) _____ \$ _____ \$ _____
(3) _____ \$ _____ \$ _____
d. Real estate
Address Fair market value How much you still owe
(1) _____ \$ _____ \$ _____
(2) _____ \$ _____ \$ _____
(3) _____ \$ _____ \$ _____
e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
Describe Fair market value How much you still owe
(1) _____ \$ _____ \$ _____
(2) _____ \$ _____ \$ _____
(3) _____ \$ _____ \$ _____

Your Monthly Expenses

(Do not include payroll deductions you already listed in 7b.)

10. a. Rent or house payment & maintenance \$ _____
b. Food and household supplies \$ _____
c. Utilities and telephone \$ _____
d. Clothing \$ _____
e. Laundry and cleaning \$ _____
f. Medical and dental expenses \$ _____
g. Insurance (life, health, accident, etc.) \$ _____
h. School, child care \$ _____
i. Child, spousal support (another marriage) \$ _____
j. Transportation, gas, auto repair and insurance \$ _____
k. Installment payments (list each below):
Paid to: How much?
(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
l. Wages/earnings withheld by court order \$ _____
m. Any other monthly expenses (list each below). \$ _____
Paid to: How much?
(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
Total monthly expenses (add 10a-10m above): \$ _____

FOR APPEAL OR WRIT PROCEEDING

If you file an appeal or a petition for a writ in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal or fees to participate in oral argument by telephone. However, if you cannot afford to pay these court fees and costs, you may ask the court to "waive" these fees (issue an order saying you do not have to pay these fees).

Who can get their court fees waived?

The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal, Food Stamps, SSI or SSP, County Relief/General Assistance, IHSS (In-Home Supportive Services), CalWorks, Tribal Temporary Assistance for Needy Families, or CAPI (Cash Assistance Program for Aged, Blind, and Disabled)
- **You have a low income.** Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,083.34	3	\$1,833.34	5	\$2,583.34
2	\$1,458.34	4	\$2,208.34	6	\$2,958.34

If more than 6 people at home, add \$375 for each extra person.

- **You do not have enough income to pay for your household's basic needs and your court fees.**

What fees and costs will the court waive?

If you qualify for a fee waiver, the Court of Appeal or Appellate Division will waive the filing fee for the notice of appeal or a petition for a writ and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk's transcript on appeal. If you are the appellant (the person who is appealing the trial court decision), this includes the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk's transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), this includes the costs for sending you a copy of the clerk's transcript. If the trial court already issued an order waiving your court fees and costs in this case and that fee waiver has not ended, your fee for filing a notice of appeal in a limited civil case (a civil case in which the amount of money claimed is \$25,000 or less) and your costs for the clerk's transcript have already been waived, you do not need to ask the court for a new fee waiver; just give the court a copy of the fee waiver order you already have in this case.

The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. If you are represented by a lawyer in your appeal, a special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See Business and Professions Code sections 8030.2 and following for more information about applying to this fund.) However, there is no financial help available for parties who are not represented by lawyers. If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement. (See *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) for more information about preparing agreed statements or statements on appeal in limited civil cases and see rules 8.134 and 8.137 for more information about preparing agreed or settled statements in other civil cases).

How do I ask the court to waive my fees?

How you ask the court to waive your court fees and costs depends on whether your case is a limited civil case (a civil case in which the amount of money claimed is \$25,000 or less), whether it is an appeal or a writ proceeding, and whether you are the appellant/petitioner (the party who is appealing or petitioning).

INFORMATION SHEET ON WAIVER OF COURT FEES AND COSTS
FOR APPEAL OR WRIT PROCEEDING

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** In a limited civil case, if you do not already have an order waiving your fees and costs and you want the court to waive the fees and costs in an appeal, you must compete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), the completed form should be filed with your notice of appeal in the clerk's office for the same court that issued the judgment or order you are appealing. If you are the respondent (a party other than the appellant in a case that is being appealed) and you do not already have an order waiving your fees, the completed form should be filed in the court when the fees you are requesting be waived are due. (For more information about appeals in limited civil cases, read *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO).)
- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** If you want the court to waive the fees and costs in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees*, form FW-001. The completed form should be filed with your petition for a writ in the clerk's office for the same court that took the action or issued the ruling you are challenging. (For more information about writ proceedings in limited civil cases, read *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO).)
- **Appeal in Other Civil Cases.** If you are the appellant (the party who is appealing) in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must compete and file a *Request to Waive Court Fees for Appeal or Writ Proceeding in Court of Appeal* (form APP-015/FW-015). The completed form should be filed with your notice of appeal in the clerk's office for the same court that issued the judgment or order you are appealing. If you are the respondent (a party other than the appellant in a case that is being appealed) and you have not already received a fee waiver in the case, to request waiver of the fee for a copy of the clerk's transcript, you should file the completed form in the trial court with your request for a copy of the transcript. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due. (For more information about appeals in unlimited civil cases, read *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001).)
- **Writ Proceeding in Other Civil Cases.** If you want the court to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees for Appeal or Writ Proceeding in Court of Appeal* (form APP-015/FW-015). The completed form should be filed with your petition for a writ in the Court of Appeal clerk's office.

You can get these forms at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to appear in court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you win or settle your case for \$10,000 or more, the trial court will have a lien on the award or settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

Clerk stamps date here when form is filed.

NOT APPROVED BY JUDICIAL COUNCIL

v. 9 12.10.08

Superior Court of California

County of:
Court address:

Superior Court Case Number:

Superior Court Case Name:

Court of Appeal Court Case Number:

Appellate District, Division Number:

Warning! If you miss the deadline, your fee waiver will be denied and, if you are the appellant, your appeal may be dismissed.

Warning! If you miss the deadline, your fee waiver will be denied and, if you are the appellant, your appeal may be dismissed.

Warning! If you miss the deadline, your fee waiver will be denied and, if you are the appellant, your appeal may be dismissed.

1 Person who asked to waive court fees:

Name:
Street address:
City: State: Zip:
Phone number:

2 Lawyer, if you have one (Name, address, phone number, e-mail, and State Bar number):

3 On (date): you filed a Request to Waive Court Fees for an Appeal or Writ Proceeding in Court of Appeal (form APP-015/FW-015).

4 The court reviewed your request and makes the following order:

a. The court grants your request and waives your court fees and costs listed below. You do not have to pay fees for the following:
• Filing notice of appeal or petition for writ
Other (specify):

b. The court denies your request because it is incomplete. You have 15 days from the date this notice was sent to:
• Pay your fees and costs, or
• File a new revised request that includes the items listed below (specify incomplete items):

c. The court denies your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (specify reasons):

You have 15 days from the date this notice was sent to:

- Pay your fees and costs, or
• File more information that shows you are eligible.

d. The court finds there is substantial question regarding your eligibility (describe issue regarding eligibility):

You have 15 days from the date this notice was sent to:

- Pay your fees and costs, or
• File the following additional documents to support your request:

Court of Appeal Case Number: _____

Court of Appeal Case Name: _____

e. The court needs more information. **You must go to court** on the date below.

**Hearing
Date**

→ Date: _____ Time: _____ Dept.: _____

Name and address of the court if different from page 1:

Bring the following proof to support your request, if it is reasonably available:

Warning! If you do not go to this hearing, the judge will deny your request to waive court fees and you will have **15 days** from the date this notice was sent to pay your fees. If you are the appellant and you do not pay your filing fees, your appeal may be dismissed.

Date:

Signature of (check one): *judicial officer* *clerk, deputy*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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Declaration Concerning Waived Court Fees

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other recovery. The court's lien must be paid before the court will dismiss the case.

- 7. The court waived fees and costs in this action for (name): _____
- 8. The person in item 7 (check one): _____
 - a. is not recovering anything of value by this action.
 - b. is recovering less than \$10,000 in value by this action.
 - c. is recovering \$10,000 or more in value by this action. (If item 8c is checked, item 9 must be completed.)
- 9. All court fees and costs that were waived in this action have been paid to the court (check one): Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 (TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

▶ _____
 (SIGNATURE)

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

DRAFT v.3 11.25.08

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**NOT APPROVED BY
JUDICIAL COUNCIL**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement or other award. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene el derecho a reclamar las cuotas y costos previamente exentos mediante la imposición de un gravamen sobre cualquier recuperación de \$10,000 ó más recibida mediante un acuerdo u otra sentencia. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

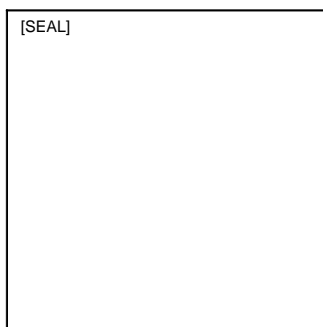
The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

**SUMMONS
Cross-Complaint
(CITACION JUDICIAL-CONTRADEMANDA)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO CROSS-DEFENDANT:
(AVISO AL CONTRA-DEMANDADO):**

**DRAFT v.3
11.25.08**

**YOU ARE BEING SUED BY CROSS-COMPLAINANT:
(LO ESTÁ DEMANDANDO EL CONTRADEMANDANTE):**

**Not approved by
Judicial Council**

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the cross-complainant. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement or other award. The court's lien must be paid before the court will dismiss the case.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al contrademandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), o oniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene el derecho a reclamar las cuotas y costos previamente exentos mediante la imposición de un gravamen sobre cualquier recuperación de \$10,000 ó más recibida mediante un acuerdo u otra sentencia. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:
(El nombre y dirección de la corte es):

SHORT NAME OF CASE (from Complaint): (Nombre de Caso):

CASE NUMBER: (Número del Caso):

The name, address, and telephone number of cross-complainant's attorney, or cross-complainant without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del contrademandante, o del contrademandante que no tiene abogado, es):

DATE: _____, Deputy
(Fecha) _____ Clerk, by _____ (Adjunto)
(Secretario)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (POS-010).)

NOTICE TO THE PERSON SERVED: You are served

[SEAL]

- 1. as an individual cross-defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify):
 - under: CCP 416.10 (corporation) CCP 416.60 (minor)
 - CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 - CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 - other (specify):
- 4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE) DRAFT v.3 11.25.08 NOT APPROVED BY JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	

SUMMONS (JOINT DEBTOR) (CITACIÓN (DEUDOR CONJUNTO))	CASE NUMBER: (Número del Caso):
--	------------------------------------

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement or other award. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

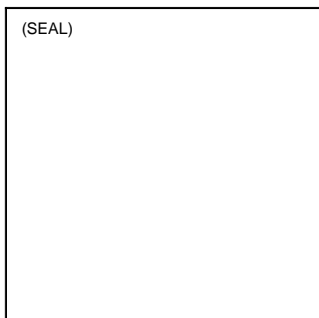
Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene el derecho a reclamar las cuotas y costos previamente exentos mediante la imposición de un gravamen sobre cualquier recuperación de \$10,000 ó más recibida mediante un acuerdo u otra sentencia. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

1. TO THE DEFENDANT (name):
 (AL DEMANDADO):
 You are hereby directed to file in this court, within **30** days after this summons is served on you, a written response to the Declaration or Affidavit accompanying this summons, giving any legal reason why you should not be required to pay the unpaid amount of: \$ _____ on the judgment rendered by this court on (date): _____ against (name each): _____

Date: _____ Clerk, by _____, Deputy
 (Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
 (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



2. **NOTICE TO THE PERSON SERVED:** You are served

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify): _____

c. on behalf of (specify): _____

under: CCP 416.10 (corporation) CCP 416.60 (minor)

CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)

CCP 416.40 (association or partnership) CCP 416.90 (authorized person)

other (specify): _____

d. by personal delivery on (date): _____

**SUMMONS
(CITACION JUDICIAL)**

UNLAWFUL DETAINER—EVICTION

(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

v.3 11.25.08

**NOT APPROVED BY
JUDICIAL COUNCIL**

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement or other award. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene el derecho a reclamar las cuotas y costos previamente exentos mediante la imposición de un gravamen sobre cualquier recuperación de \$10,000 ó más recibida mediante un acuerdo u otra sentencia. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

1. The name and address of the court is:
(El nombre y dirección de la corte es):

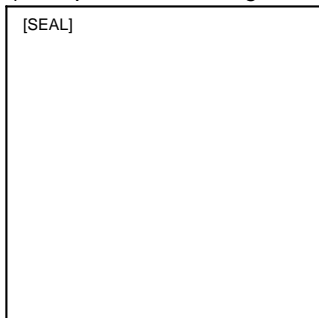
CASE NUMBER:
(Número del caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

3. (Must be answered in all cases) An **unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415)** did **not** did for compensation give advice or assistance with this form. (If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



4. **NOTICE TO THE PERSON SERVED:** You are served

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as an occupant
- d. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- CCP 415.46 (occupant) other (specify):

5. by personal delivery on (date):

PLAINTIFF <i>(Name)</i> :	CASE NUMBER:
DEFENDANT <i>(Name)</i> :	

6. **Unlawful detainer assistant** *(complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):*

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and ZIP:

- d. County of registration:
- e. Registration no.:
- f. Registration expires on *(date)*:

**SUMMONS
(CITACION JUDICIAL)**

STORAGE LIEN ENFORCEMENT

(CUMPLIMIENTO DE EMBARGO DE BIENES ALMACENADOS)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT v.3 11.25.08

**NOT APPROVED BY
JUDICIAL COUNCIL**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 10 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement or other award. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 10 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene el derecho a reclamar las cuotas y costos previamente exentos mediante la imposición de un gravamen sobre cualquier recuperación de \$10,000 ó más recibida mediante un acuerdo u otra sentencia. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

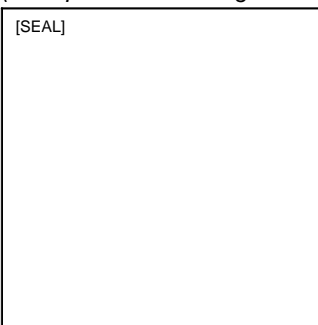
CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE:
(Fecha)

Clerk, by _____, Deputy
(Secretario) _____ (Adjunto)

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(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

**SUMMONS
(CITACION JUDICIAL)**

**ENFORCEMENT OF STATE HOUSING LAW
(CUMPLIMIENTO DE LA LEY DE VIVIENDA ESTATAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

*FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)*

DRAFT v.3 11.25.08

**NOT APPROVED BY
JUDICIAL COUNCIL**

You have 10 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement or other award. The court's lien must be paid before the court will dismiss the case.

Tiene 10 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene el derecho a reclamar las cuotas y costos previamente exentos mediante la imposición de un gravamen sobre cualquier recuperación de \$10,000 ó más recibida mediante un acuerdo u otra sentencia. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (Adjunto)

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(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (POS-010).)

NOTICE TO THE PERSON SERVED: You are served

[SEAL]

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

Item W09-01 Response Form

Title: Civil: Fee Waiver Rules and Forms

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be written on this form, prepared in a letter format, or submitted online. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments.

Internet: www.courtinfo.ca.gov/invitationstocomment

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, January 21, 2009

*Circulation for comment does not imply endorsement by the Judicial Council
or the Rules and Projects Committee.
All comments will become part of the public record of the council's action.*