

**SAMPLE FORM D**

**REQUEST TO WAIVE COURT FEES**

## REQUEST TO WAIVE COURT FEES - INSTRUCTIONS

When you file your notice of appeal, there is a filing fee of \$775.00 which is due at the time of filing. A deposit of \$100.00 needs to be paid to the Superior Court if you want it to prepare a clerk's transcript for you. If you feel you cannot afford these fees, you may fill out a Request to Waive Court Fees. You must file your application for fee waiver directly with the Court of Appeal, along with the Order on Application for Waiver of Court Fees and Costs ([Sample Form E](#)).

The Request to Waive Court Fees form and the Information Sheets on Waiver of Court Fees and Costs are available online in Adobe Acrobat PDF format and the form may be filled out electronically for free at <http://www.courts.ca.gov/forms>. Select "Fee Waiver" forms, then click on Form [FW-001](#) for the form. For the Superior Court information sheet click on Form [FW-15-INFO](#). For the Court of Appeal information sheet, click on Form [APP-016/FW-015-INFO](#).

If you are requesting waiver of fees from both the Superior Court (such as the \$100.00 deposit or fees for the clerk's transcript) and the Court of Appeal (such as the \$775.00 filing fee), you may be asked by the Superior Court to provide two signed copies of the *Request to Waive Court Fees* form. (Advisory Committee Comment, CRC 8.26(b)(1).)

### **Filling out the Request to Waive Court Fees form:**

#### **Boxes**

Do not fill in the first box in the top right hand corner of the form (the clerk will use that box).

In the box immediately below the first box (to the right of the "Your Information" section), specify the Court branch name and street address of the court from which you are requesting a fee waiver.

In the boxes labeled, "Case Number" and "Case Name," write the Superior Court case number for your case and the Court of Appeal number if you have one, and write the plaintiff's name and defendant's name as they appear in the Superior Court case caption.

#### **Entries**

Entry 1. In the "Your Information" section, write your name, street or mailing address, city, state, zip code and telephone number where you can be reached during the day.

Entry 2. In the "Your Job" section, write your job title, employer and employer's address. If you do not have a job, write "unemployed."

Entry 3. In the "Your Lawyer" section, if you have a lawyer, write his or her name, law firm or affiliation, address, phone number and State Bar number. Indicate "yes" or "no" if the lawyer has agreed to advance all or a portion of your fees or costs. If you answer "yes," the lawyer must sign the form.

Entry 4. Check the box specifying which court's fees you are asking to be waived.

Entry 5. Check only one of boxes (5(a), 5(b), or 5(c)) that best applies to your situation.

Check box 5(a) if you are receiving financial assistance, and also check the box or boxes next to the type of financial assistance you are receiving. If you have checked box 5(a), you need not fill out page two of the form.

Check box 5(b) if your gross monthly income is less than the amount shown on the Family Size/Family Income box. If you check this box, you must fill out items 7, 8, and 9 on page two of the form, then date the form and fill out your name and signature on the bottom of page two.

Check box 5(c) if your income is not enough to pay for the common necessities of life for yourself and your family and still pay court fees and costs. If you check this box, you have to complete page two of the form in its entirety, then date and sign the bottom of page one.

Entry 6. Specify if the court has waived your court fees for this case in the last six months. If you have a copy of your prior request, attach it to the form and check the box.

At the bottom of page one, write the current date, type or print your name legibly, and sign the form.

If you must fill out all or a portion of page two, write your name and case number(s) at the top of the page.