

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

W19-06

Title

Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 2.956 and 3.55; revise forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC

Proposed by

Civil and Small Claims Advisory Committee
Hon. Ann I. Jones, Chair

Action Requested

Review and submit comments by February 12, 2019

Proposed Effective Date

September 1, 2019

Contact

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Executive Summary and Origin

Recent changes in the law pertaining to court fees for providing court reporters, providing court interpreters to parties in civil cases by priority level, and reimbursing courts for the cost of providing interpreters affect certain rules and forms that address fee waivers. The California Supreme Court recently held that courts that do not provide official court reporters must make available to parties entitled to a waiver of fees court reporters or other means to create a verbatim record. (*Jameson v. Desta* (2018) 5 Cal.5th 594.) Earlier legislation (Assem. Bill 1657; Stats. 2014, ch. 721) added a section to the Evidence Code that requires the Judicial Council to reimburse courts for court interpreter services for parties in civil cases and prioritizes by case type the provision of court interpreter services.

The Civil and Small Claims Advisory Committee proposes that two California Rules of Court be amended and several fee waiver forms be revised to provide, generally, that a party that has been granted a fee waiver may request a court to provide an official reporter at a proceeding; delete an item addressing court-appointed interpreters in small claims actions; and change the language addressing court reporter's fees.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

Background

Official court reporters for fee waiver recipients

Jameson v. Desta (2018) 5 Cal.5th 594 (*Jameson*) involved a plaintiff who had been granted a fee waiver under Government Code section 68631. Such a litigant is entitled to a waiver of court fees for the attendance of an official court reporter at a court proceeding (Gov. Code, § 68086(b).) In *Jameson*, however, the plaintiff was not provided a court reporter at his civil trial because the Superior Court of San Diego County, as a result of a reduction in its budget, had adopted a policy under which no official court reporters were provided at most civil trials, even for persons who qualified for a fee waiver. Under the policy, a party could hire and pay for a private court reporter. (*Jameson*, at p. 598.) It was undisputed that if an official court reporter had been made available for the trial in this case, the plaintiff would have been entitled to the court reporter’s attendance at the trial without the payment of a fee. (*Id.* at p. 600.) The court concluded that the superior court policy was inconsistent with prior in forma pauperis judicial decisions and with the public policy of facilitating equal access to the courts. (*Id.* at p. 599.) It stated:

[I]n order to satisfy the principles underlying California’s in forma pauperis doctrine and embodied in the legislative public policy set forth in [Government Code] section 68630, subdivision (a), when a superior court adopts a general policy under which official court reporters are not made available in civil cases but parties who can afford to pay for a private court reporter are permitted to do so, the superior court must include in its policy an exception for fee waiver recipients that assures such litigants the availability of a verbatim record of the trial court proceedings, which under current statutes would require the presence of an official court reporter.

(*Jameson*, at p. 623.)

Court-appointed interpreters and fee waiver recipients

Assembly Bill 1657 added section 756 to the Evidence Code to require the Judicial Council to reimburse courts for court interpreter services “provided in civil actions and proceedings to any party who is present in court and who does not proficiently speak or understand the English language.” It further provides, “If sufficient funds are not appropriated to provide an interpreter to every party that meets the standard of eligibility, court interpreter services in civil cases reimbursed by the Judicial Council ... shall be prioritized by case type by each court.” The statute provides eight different case-type priority levels, placing “[a]ll other civil actions or proceedings” (which encompasses small claims cases) as the eighth priority and provides that preference must be given to parties who have been granted fee waivers in certain case types, including all other civil actions or proceedings.

The Proposal

As a result of *Jameson* and recent legislation, rules 2.956 and 3.55 must be amended and various fee waiver forms must be revised to conform to the law.

Rule 2.956

Rule 2.956(c), on court reporting services in civil cases, provides that if the services of an official court reporter are not available for a hearing or trial in a civil case, a party may arrange for a certified shorthand reporter to serve as an official pro tempore reporter. It further provides that the party must pay the reporter's fee. Subdivision (c) of rule 2.956 would be amended to add a new subdivision (c)(2) that provides that if a party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, a party may request that the court provide an official reporter. Rule 2.956(c)(2) would read:

[If the services of an official court reporter are not available for a hearing or trial in a civil case, a party may:] [¶] ... [¶] (2) In compliance with any local court rules, request that the court provide an official reporter for attendance at the proceeding, if the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial.

Rule 3.55

Rule 3.55 lists the court fees and costs that must be waived upon the granting of an application for an initial fee waiver. The court in *Jameson* discussed subdivision (7) of rule 3.55 and the rule's advisory committee comment. The rule currently reads, in part:

Court fees and costs that must be waived upon granting an application for an initial fee waiver include: [¶] ... [¶] (7) Reporter's fees for attendance at hearings and trials, if the reporter is provided by the court.

The accompanying advisory committee comment currently provides as follows:

The inclusion of court reporter's fees in the fees waived upon granting an application for an initial fee waiver is not intended to mandate that a court reporter be provided for all fee waiver recipients. Rather, it is intended to include within a waiver all fees mandated under the Government Code for the cost of court reporting services provided by a court.

The *Jameson* court concluded that rule 3.55(7) and its advisory committee comment should not be interpreted as addressing the issue before it—whether a general superior court policy, like the San Diego superior court policy at issue in the case, is compatible with the general principles embodied in past California in forma pauperis decisions and the legislative policy embodied in Government Code section 68630(a). (*Jameson, supra*, 5 Cal.5th at p. 618.) It reached this conclusion because rule 3.55(7), by its language, does not purport to address when a trial court is *required* to provide an official court reporter to prepare a verbatim record of the court proceedings. (*Jameson, supra*, at p. 618.)

Despite the *Jameson* court’s conclusion that rule 3.55 and its advisory committee comment do not address the issue of whether a trial court policy that does not provide official court reporters, but permits parties to retain reporters at their own cost, is consistent with court precedent and policies on access to justice, the advisory committee recommends the following amendments to the rule:

- Eliminate the phrase “if the reporter is provided by the court” in subdivision (7); and
- Change the current advisory committee comment as follows: “The inclusion of court reporter’s fees in the fees waived upon granting an application for an initial fee waiver is not intended to ~~mandate that a court reporter be provided for all fee waiver recipients~~ expand the use of court reporters in case types and proceedings in which an official court reporter is not currently required to make the official record of the proceedings. Rather, it is intended to include within a waiver all fees mandated under the Government Code for the cost of court reporting services provided by a court.”

These amendments are proposed to eliminate any ability to interpret the rule as not requiring a court to provide an official reporter (if the court is not electronically recording the hearing or trial) when requested by a party granted a fee waiver. The proposed additional language would specify that the amendment does not require courts to provide official court reporters in case types in which they are not currently required for purposes of making the official record of the proceedings.¹

Fee waiver forms

Various fee waiver forms include “reporter’s fee for attendance at hearing or trial, if reporter provided by the court” among the items for which all or part of the fees are waived for a fee waiver recipient. Because, under *Jameson*, a court must provide a court reporter (unless the proceedings are electronically recorded) to fee waiver recipients, the forms would be revised to replace the existing language about reporter’s fees with “reporter’s fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter.”

This revision would be made to the following forms:

1. *Information Sheet on Waiver of Superior Court Fees and Costs* (FW-001-INFO) (item 1);
2. *Order on Court Fee Waiver (Superior Court)* (FW-003) (item 4);
3. *Order on Court Fee Waiver (Superior Court) (Ward or Conservatee)* (FW-003-GC) (item 6);

¹ In non-criminal cases, courts are required to provide official reporters in only juvenile and involuntary civil commitment proceedings. In other case types, including unlimited civil, most family law, and probate matters, most courts are not required to provide an official court reporter, but a party may arrange and pay for reporter. (*Report to the Chief Justice: Commission on the Future of California’s Court System*, p. 238 (2017), www.courts.ca.gov/documents/futures-commission-final-report.pdf.) Trial courts may use electronic recording to make an official court record in only limited civil, misdemeanor, and infraction cases. (Gov. Code, § 69957(a).)

4. *Notice: Waiver of Court Fees (Superior Court)* (FW-005) (item 4);
5. *Notice: Waiver of Court Fees (Superior Court) (Ward or Conservatee)* (FW-005-GC) (item 6);
6. *Order on Court Fee Waiver After Hearing (Superior Court)* (FW-008) (item 5);
7. *Order on Court Fee Waiver After Hearing (Superior Court) (Ward or Conservatee)* (FW-008-GC) (item 7);
8. *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court)* (FW-012) (item 6); and
9. *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Ward or Conservatee)* (FW-012-GC) (item 8d(2)).

These fee waiver forms list also “court-appointed interpreter in small claims court” as an item for which all or part of the fees are waived for a party granted a fee waiver. This was placed on the forms to specifically recognize that small claims courts were authorized to appoint an interpreter at public expense to a non-English-speaking litigant who qualified for a fee waiver. (See *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412.) Today, however, the reference to interpreters only “in small claims court” is confusing. Based on the changes made by AB 1657, all courts in civil proceedings, regardless of the type of proceeding or whether the party has been granted a fee waiver, may appoint an interpreter when needed by a limited English proficient party, using the case-type priority levels in Evidence Code section 756. This proposal would therefore remove text relating to a waiver of fees for a court-appointed interpreter in small claims court from the following forms:

1. FW-001-INFO (“Having a court-appointed interpreter in small claims court” in item 1);
2. FW-003 (“Court-appointed interpreter in small claims court” in item 4);
3. FW-003-GC (“Court-appointed interpreter in small claims court” in item 6);
4. FW-005 (“Court-appointed interpreter in small claims court” in item 4);
5. FW-005-GC (“Court-appointed interpreter in small claims court” in item 6);
6. FW-008 (“Court-appointed interpreter in small claims court” in item 5);
7. FW-008-GC (“Court-appointed interpreter in small claims court” in item 7);
8. FW-012 (“Court-appointed interpreter” in item 6d(2)); and
9. FW-012-GC (“Court-appointed interpreter” in item 8d(2)).

Alternatives Considered

The advisory committee considered how best to amend the rule text to reflect the holding in *Jameson*. The committee did not consider alternatives to amending the rule and revising the forms because of the importance of these changes—some are needed to conform to the law and others are useful to implement statutory changes and to avoid confusion.

Fiscal and Operational Impacts

This proposal’s fiscal and operational impacts on courts result from clarifications to and changes in the law. The proposal implements those changes. It is likely that some training of court staff will be necessary. The cost to courts of providing court reporters for fee waiver recipients is

unknown but may be significant. Some costs will result from the need to replace outdated forms if the court provides paper copies of forms.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?
- Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 2.956 and 3.55, at pages 7–8
2. Forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, FW-012-GC, at pages 9–29

Rules 2.956 and 3.55 of the California Rules of Court would be amended, effective January 1, 2020, to read:

1 **Rule 2.956. Court reporting services in civil cases**

2
3 **(a) Statutory reference; application**

4
5 This rule is adopted solely to effectuate the statutory mandate of Government Code
6 sections 68086(a)–(b) and must be applied so as to give effect to these sections. It
7 applies to trial courts.

8
9 **(b) * * ***

10
11 **(c) Party may procure reporter or request reporter if granted fee waiver**

12
13 If the services of an official court reporter are not available for a hearing or trial in
14 a civil case, a party may:

- 15
16 (1) Arrange for the presence of a certified shorthand reporter to serve as an
17 official pro tempore reporter. It is that party's responsibility to pay the
18 reporter's fee for attendance at the proceedings, but the expense may be
19 recoverable as part of the costs, as provided by law; or
20
21 (2) In compliance with any local court rules, request that the court provide an
22 official reporter for attendance at the proceedings, if the party has been
23 granted a fee waiver and if the court is not electronically recording the hearing
24 or trial.

25
26
27 **Rule 3.55. Court fees and costs included in all initial fee waivers**

28
29 Court fees and costs that must be waived upon granting an application for an initial fee
30 waiver include:

31
32 ~~(1)-(4)~~ * * *

33
34 ~~(5) Court-appointed interpreter's fees for parties in small claims actions;~~

35
36 ~~(6)(5)~~ * * *

37 ~~(7)(6)~~ Reporter's fees for attendance at hearings and trials, if the reporter is provided by
38 the court;

39
40 ~~(8)-(11)(7)-(10)~~ * * *

Advisory Committee Comment

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The inclusion of court reporter’s fees in the fees waived upon granting an application for an initial fee waiver is not intended to ~~mandate that a court reporter be provided for all fee waiver recipients~~ expand the use of court reporters in proceedings in which an official court reporter is not currently required. Rather, it is intended to include within a waiver all fees mandated under the Government Code for the cost of court reporting services provided by a court.

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs *and* your court fees, you may ask the court to waive all or part of those fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). 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 fee for telephone hearing
 - Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal
 - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.833 or 8.834
 - Making a transcript or copy of an official electronic recording under rule 8.835
 - Giving notice and certificates
 - Sending papers to another court department

2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002) or *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC). 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
 - Other necessary court fees
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness

3. If you want the Appellate Division of the Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. 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, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **Public benefits programs listed on the application form.** In item 5 on the *Request to Waive Court Fees (item 8 of the Request to Waive Court Fees (Ward or Conservatee))*, there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
 - Medi-Cal
 - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
 - SSP—State Supplemental Payment
 - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
 - County Relief/Gen. Assist.—County Relief, General Relief (GR), or General Assistance (GA)

- IHSS—In-Home Supportive Services
- CalWORKs—California Work Opportunity and Responsibility to Kids Act
- Tribal TANF—Tribal Temporary Assistance for Needy Families
- CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants

• **If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee.** You must tell the **court** within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) or *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, 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 and in guardianships and conservatorships. (Gov. Code, § section 68637(d), (e); Cal. Rules of Court, rule 7.5).)

• **If you settle your civil 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. Special rules apply to family law cases.

• **The court can collect fees and costs due the court.** If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, 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 earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.

• **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. See Government Code section 68635.

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

DRAFT

11-29-2018

**Not approved by
the Judicial Council**

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 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 back 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 there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, 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 settle your civil case for **\$10,000** or more, the trial court will have a lien on the 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: *Request to Waive Court Fees* *Request to Waive Additional Court Fees*
the court makes the following orders:

a. The court **grants** your request, as follows:

(1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) 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 fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

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

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Case Number: _____

Your name: _____

b. The court **denies** your fee waiver request, as follows:

Warning! If you miss the deadline below, the court 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.

(1) The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

(2) 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 (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date of service below) to:

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

c. 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: _____

Name and address of court if different from above: _____

Hearing Date

→ Date: _____ Time: _____

Dept.: _____ Room: _____

Warning! If item c is checked, and 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-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California, on the date below.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DRAFT**11-29-2018****Not approved by
the Judicial Council****1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:**Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____**2 Lawyer, if person in 1 has one:**Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____**3 (Proposed) ward or conservatee:**Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____**4 Lawyer for (proposed) ward or conservatee, if any:**Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____**5 A request to waive court fees was filed on (date): _____** The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:**Case Name:****Read this form carefully. All checked boxes are court orders.****Notice:** The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may later order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

**6 After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees
the court makes the following orders:**a. The court **grants** your request concerning the ward's or conservatee's court fees and costs, as follows:(1) **Fee Waiver.** The court grants your request and waives the fees and costs listed below.
(Cal. Rules of Court, rules 3.55 and 8.818.) 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
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(List continued on next page.)



Name of (Proposed) Ward or Conservatee:

Case Number:

- 6 a. (1) • Reporter’s fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
 • Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 • Preparing, certifying, copying, and sending the clerk’s transcript on appeal
 • Holding in trust the deposit for a reporter’s transcript on appeal under rule 8.130 or 8.834
 • Making a transcript or copy of an official electronic recording under rule 8.835
- (2) **Additional Fee Waiver.** The court grants your request and waives the 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
 Other (*specify*): _____

b. The court **denies** your fee waiver request, as follows:

Warning! If you miss the deadline below, the court 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.

- (1) The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:
- Pay the ward’s or conservatee’s fees and costs, or
 - File a new revised request that includes the items listed below (*specify incomplete items*):
- _____
- _____

- (2) The court **denies** your request because the information you provided on the request shows that the ward or conservatee is not eligible for the fee waiver you requested (*specify reasons*):
- _____
- _____
- _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Ward or Conservatee)(Superior Court)*, form FW-006-GC. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay the fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006-GC to request hearing.*)

c. 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:




Name of (Proposed) Ward or Conservatee:

Case Number:

Warning! If item c is checked, and 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 the ward's or conservatee's 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.

NOTE TO GUARDIAN or CONSERVATOR: If there are unpaid court fees after a denial of a request for a fee waiver, your case—including the guardianship or conservatorship proceeding if the waiver is requested in that matter—might not go forward. After a denial, you may choose to advance the court costs yourself to ensure that the case proceeds. If you or another person is appointed as guardian or conservator, you would have an opportunity to be reimbursed for such advances from the assets of the guardianship or conservatorship estate, if any, as allowable expenses of administration. You might also have the right to reimbursement for advanced court costs from persons with an obligation to support the ward or conservatee from assets not part of his or her estate, such as a parent of the ward, the spouse or registered domestic partner of the conservatee who is managing the couple's community property outside the conservatorship estate, or the trustee of a trust of which the conservatee is a beneficiary.

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

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-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ①, ②, and ④ at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ①, ②, and ④, from (city): _____, California, on the date below.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

**Notice: Waiver of Court Fees
(Superior Court)**

Clerk stamps date here when form is filed.

DRAFT

11-29-2018

**Not approved by
the Judicial Council**

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

Court fills in case number when form is filed.

Case Number:

Case Name:

- 4 Your request is **granted** by operation of law 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 fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal
 - Holding in trust the deposit for a reporter's transcript on appeal under rules 8.130 or 8.834
 - Making a transcript or copy of an official electronic recording under rule 8.835
 - Making copies and certifying copies
 - Sheriff's fee to give notice
 - Court fee for phone hearing

Date: _____ Clerk, by _____, Deputy

Notice: The court may order you to answer questions about your finances and later order you to pay back 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 there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, 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 settle your civil case for **\$10,000** or more, the trial court will have a lien on the 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 Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.
 I handed a copy of this notice to the party and attorney, if any, listed in 1 and 2, at the court, on the date below.
 This notice was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from (*city*): _____, California, on the date below.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT

11-29-2018

**Not approved by
the Judicial Council**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

Fill in court name and street address:

Superior Court of California, County of

3 (Proposed) ward or conservatee:

Name: _____
Mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

Court fills in case number when form is filed.

Case Number:

Case Name:

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

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

6 Your request is **granted** by operation of law 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
- Court fee for phone hearing
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rules 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835

Read Notice to (Proposed) Guardian or Conservator on page 2.

Date: _____ Clerk, by _____, Deputy

Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

Notice to (Proposed) Guardian or Conservator: The court may order you to answer questions about the (proposed) ward's or conservatee's finances and order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also order you make efforts to collect money for the waived fees from those owing a duty of support of the ward or conservatee.

If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is a civil case against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay the fees. If you settle the civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this notice to the party and attorney(s), if any, listed in ①, ②, and ④, at the court, on the date below.

This notice was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in ①, ②, and ④, from (*city*): _____, California, on the date below.

Date: _____

Clerk, by _____, Deputy

Order on Court Fee Waiver After Hearing (Superior Court)

Clerk stamps date here when form is filed.

DRAFT

12-03-2018

Not approved by the Judicial Council

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): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

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 back 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 there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, 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 settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

5 After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees
the court makes the following order:

- a. The court **grants** your request and waives your court fees and costs as follows:
 - (1) **Fee Waiver.** The court **grants** your request and waives your court fees and costs listed below (*Cal. Rules of Court, rules 3.55 and 8.818.*) 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 fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing and certifying the clerk's transcript on appeal
 - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
 - Making a transcript or copy of an official electronic recorder under rule 8.835
 - Giving notice and certificates
 - Sending papers to another court department
 - Court fees for phone hearing
 - (2) **Additional Fee Waiver.** The court **grants** your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Other: (*specify*): _____
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness



Case Name:

Case Number:

- b. The court **denies** your request and **will not waive or reduce** your fees and costs.
- (1) The reason for this denial is as follows:
- (a) Your request is incomplete, and you did not provide the information that the court requested (*specify items missing*): _____
- (b) You did not go to court on the hearing date to provide the information the court needed to make a decision.
- (c) The information you provide shows that you are not eligible for the fee waiver you requested because (*check all that apply*):
- i. Your income is too high.
- ii. Other (*explain*): _____
- (d) There is not enough evidence to support a fee waiver.
- (e) Other (*state reasons*): _____
- (2) You may pay some court fees and costs over time. You must make monthly payments of \$ _____ beginning (*date*): _____ and then payable on the 1st of each month after that, until the fees checked below are paid in full.
- Filing fees
- Other (*specify*): _____

You must pay all other court fees and costs as they are due.

- c. The court **partially grants** your request so you can pay court fees without using 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"/> 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 telephone hearings |
| <input type="checkbox"/> Making certified copies | |
| <input type="checkbox"/> Reporter's fee for attendance at trial or hearing if reporter provided by the court | |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | |
- (3) Other (*specify*): _____

Warning! If b or c above are checked: You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: _____



Signature of Judicial Officer

Clerk's Certificate of Service

- I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.
- I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California, on the date below.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT

11-29-2018

**Not approved by
the Judicial Council**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
Telephone: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: ____ Zip: _____
E-mail: _____ Telephone: _____

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

6 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 Person in 3 Lawyer in 4
 Others (names): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

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

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.



Name of (Proposed) Ward or Conservatee:

Case Number:

7 After reviewing your (check one): Request to Waive Court Fees Request to Waive Additional Court Fees
the court makes the following order:

a. The court **grants** your request and waives the ward's or conservatee's court fees and costs as follows:

(1) **Fee Waiver.** The court **grants** your request and waives the court fees and costs listed below (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sending papers to another court department
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing and certifying the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recorder under rule 8.835
- Court fees for phone hearing
- Sheriff's fee to give notice
- Giving notice and certificates

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

- Jury fees and expenses
- Fees for court-appointed experts
- Other (*specify*): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

b. The court **denies** your request and **will not waive or reduce** the ward's or conservatee's fees and costs.

(1) The reason for this denial is as follows:

(a) Your request is incomplete, and you did not provide the information that the court requested (*specify items missing*):

(b) You did not go to court on the hearing date to provide the information the court needed to make a decision.

(c) The information you provide shows ineligibility for the fee waiver you requested because (*check all that apply*):

i. The ward's or conservatee's income is too high.

ii. Other (*explain*): _____

(d) There is not enough evidence to support a fee waiver.

(e) Other (*state reasons*): _____

(2) You may pay the initial filing fee over time. You must make monthly payments of at least \$ _____ beginning (*date*): _____ and then payable on the 1st of each month after that, until the fees checked below are paid in full.

Filing fees.

Other (*describe*): _____

You must pay all other court fees and costs as they are due.



Name of (Proposed) Ward or Conservatee:

Case Number:

- 7 c. The court **partially grants** your request so you can pay, from the estate of the ward or conservatee or from funds from persons or entities with a duty to support the ward or conservatee, court fees without using money needed to pay for the ward's or conservatee's household's basic needs. You are ordered to pay a portion of the ward's or conservatee's fees, **as checked in items c (1) and (2) below**.

The court only partially grants the request because (*state reasons for denial*):

- (1) You must pay _____ % of the ward's or conservatee's court fees.
 (2) The court waives some fees. The fees checked below are waived. You must pay all other court fees.

- Filing papers at superior court
- Sheriff's fee to give notice
- Court-appointed interpreter
- Reporter's fee for attendance at trial or hearing if reporter provided by the court
- Jury fees and expenses
- Court-appointed experts' fees
- Making certified copies
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter fees for a witness
- Fees for a peace officer to testify in court
- Court fees for telephone hearings
- Other (*specify*): _____

- (3) Other (*specify*):

Warning! If item 7b or 7c above is checked: You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item 7b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: _____

Signature of Judicial Officer

Clerk's Certificate of Service

- I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.
 I handed a copy of this order to the party and attorney(s), if any, listed in ①, ②, and ④, at the court, on the date below.
 This order was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in ①, ②, and ④, from (*city*): _____, California, on the date below.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT

11-29-2018

**Not approved by
the 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):*

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

④ The court sent you a notice to go to court about your fee waiver on *(date)*: _____

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

⑤ 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)*: _____

⑥ After considering the information provided at the hearing, **the court makes the following order:**

- a. No Change to Fee Waiver. The *Order on Court Fee Waiver* 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: _____

- (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)*: _____ and payable on the 1st of each month after that until paid in full.

c. **Fee Waiver Is Retroactively Withdrawn.** The court finds that you were never entitled to a fee waiver in this case because: _____

- (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)*: _____ and payable on the 1st of each month after that until paid in full.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

Case Number: _____

Your name: _____

6 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 fees for a witness
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Jury fees and expenses Fees for a peace officer to testify in court
- Court-appointed expert's fees Court fees for telephone hearings
- Other (*specify*): _____

(3) Other modification: _____

e. Other Order: _____

Date: _____

 _____
Signature of Judge or Judicial Officer

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California, on the date below.

Date: _____ Clerk, by _____, Deputy

**Order on Court Fee Waiver After
Reconsideration Hearing
(Superior Court) (Ward or Conservatee)**

Clerk stamps date here when form is filed.

DRAFT

12-03-2018

**Not approved by
the Judicial Council**

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

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

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:

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

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

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

6 The court sent you a notice to go to court about the fee waiver on (date): _____

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

7 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 Person in 3 Lawyer in 4

Others (names): _____

8 After considering the information provided at the hearing, the court makes the following order:

a. **No Change to Fee Waiver.** The *Order on Court Fee Waiver* 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 day the ward
or conservatee was no longer eligible for a fee waiver because:



Name of (Proposed) Ward or Conservatee:	Case Number:
---	--------------

- 8 b. (1) You must pay all court fees in this case from the ward's or conservatee's estate, from the date of this order.
- (2) You must also pay the court \$ _____ from the estate of the ward or conservatee, for fees that were initially waived after the ward or conservatee was 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): _____ and payable on the 1st of each month after that until paid in full.
- c. **Fee Waiver Is Retroactively Withdrawn.** The court finds that the ward or conservatee was never entitled to a fee waiver in this case because: _____
- _____
- _____
- (1) You must pay all court fees in this case from the ward's or conservatee's estate, from the date of this order.
- (2) You must also pay the court \$ _____ from the ward's or conservatee's estate, 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): _____ and payable on the 1st of each month after that until paid in full.
- 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 ward's or conservatee's estate, from the date of this order.
- (2) The court waives some fees. The fees checked below are waived. You must pay all other court fees.
- Filing papers at superior court
 - Sheriff's fee to give notice
 - Making certified copies
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter fees for a witness
 - Jury fees and expenses
 - Court-appointed expert's fees
 - Fees for a peace officer to testify in court
 - Court fees for telephone hearings
 - Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
 - Other (specify): _____
- _____
- _____
- _____



