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## FACT SHEET

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# Uniform Civil Fee Structure

The Uniform Civil Fees and Standard Fee Schedule Act of 2005 (UCF), approved as part of the 2005–2006 Budget Act, took effect January 1, 2006. It streamlined and simplified the civil fee structure so that for most fees, the same amounts are charged for the same services across all 58 counties.

Chief Justice Ronald M. George appointed the Court Fees Working Group (CFWG) in December 2003 to undertake a comprehensive review of civil fees and to make policy recommendations in order to achieve several goals. The CFWG recommended the creation of a uniform civil fee structure to consolidate surcharges and add-on fees and provide for uniformity of fees across the state; address the funding shortfall occurring under the fee structure at the time; and improve financial stability, accountability, and predictability in the courts. In December 2004, the Judicial Council approved sponsorship of legislation to establish the uniform civil fee structure.

Assembly Bill 1248 (Stats. 2007, ch. 738) made technical and clarifying changes to the UCF, including clarifying when fees apply or do not apply (particularly in probate proceedings), removing the need to provide an estimate of the value of an estate in probate filings, and establishing a number of new fees. These additional changes took effect January 1, 2008.

### New Fee Structure

The new fee structure streamlined and simplified the civil fees collected by the courts by folding the surcharges and add-on fees that varied by county into uniform statewide filing fees. The following actions are part of the new structure:

#### First paper filings

- Established statewide, uniform first paper and first responsive paper fees at three graduated levels:
  - Limited civil fee (less than or equal to \$10,000) \$180
  - Limited civil fee (greater than \$10,000 and not exceeding \$25,000) \$300
  - Unlimited civil and family law fee \$320

Note: In the three superior courts located in San Francisco, Riverside, and San Bernardino Counties, the first paper filing fees are slightly higher because of local courthouse construction surcharges.

- Consolidated into the first paper filing and response fees the court security fee, \$25 court reporter fee, amended and cross-complaint fee, and Assembly Bill 3000 (Stats. 2002, ch. 1124) 10 percent surcharge.
- Included distributions of \$20, \$25, and \$35 for facilities in the consolidated first paper filing and response fees.
- Established a new Equal Access Fund distribution of \$4.80 per filing fee.
- Consolidated fees for children's waiting rooms, dispute resolution, judges' retirement, and law libraries into the first paper fee and distributes them at the current levels.

**Probate**

- Established a statewide, uniform consolidated probate filing fee with the lowest level (for estates valued at \$250,000 or less) at the same level as the unlimited civil filing fee, with each additional level preserving the existing variance in graduated fees.
- Established a fee for petitions for appointment of guardian of the person and responses at \$180.
- Established a fee for second or later-filed petitions, petitions concerning internal affairs of trusts, and appointment of guardians and conservators (for persons and estates) at \$320.

**Small claims**

- In recognition of the court resources required for these filings and the potential funding shortfall in the budget year, increased filing fees from \$22 and \$66 (frequent filers) to the graduated fee structure below:
  - Less than or equal to \$1,500 \$ 30
  - Greater than \$1,500, but less than or equal to \$5,000 \$ 50
  - Greater than \$5,000, but less than or equal to \$7,500 \$ 75
  - If more than 12 claims have been filed in the previous 12 months \$100
- The following amounts are distributed from each small claims filing fee to fund Small Claims Advisory services:
  - Less than or equal to \$1,500 \$ 6
  - Greater than \$1,500; less than or equal to \$5,000 \$ 8
  - Greater than \$5,000, but less than or equal to \$7,500 \$ 10
  - If more than 12 claims have been filed in the previous 12 months \$ 14

- Eliminated the 10 percent surcharge and included the anticipated surcharge revenue in the consolidated fee level.

**Changes to other fees**

- Established statewide, uniform fees for the following, eliminating the AB 3000 10 percent surcharge and increasing the motion and summary judgment motion fees:
  - Complex filing fee (consolidation of 10 percent surcharge only) \$550
  - Motion fee (previously \$36.30 with 10 percent surcharge) \$ 40
  - Summary judgment motion (previously \$165 with 10 percent surcharge) \$200
  - For miscellaneous fee categories, fees for similar types of services were grouped together and a uniform fee was set at an appropriate level for each group.
  - New fees were established for handling funds in trust, appearance by videoconferencing, filing a stipulation and order (without a hearing), processing partial payments, and other services (with Judicial Council approval) for which a fee is not otherwise provided.

**Assembly Bill 1248**

Some of the new or revised fees that took effect on January 1, 2008, include:

- Writ petitions and appeals in limited civil cases:
  - Greater than \$10,000 at issue \$300
  - \$10,000 or less at issue \$180
- Amending complaints or cross-complaints in limited civil cases:
  - To change the amount demanded from less than or equal to \$10,000 to more than \$10,000 but less than or equal to \$25,000 \$120
  - To change the amount demanded from less than or equal to \$5,000 to more than \$10,000 but less than or equal to \$25,000 in cases filed by assignee with declaration \$135
- Amending small claims:
  - To change the amount demanded from \$1,500 or less to greater than \$1,500 but less than or equal to \$5,000 \$ 20
  - To change the amount demanded from greater than \$1,500 but less than or equal to \$5,000 to greater than \$5,000 but less than or equal to \$7,500 \$ 25
  - To change the amount demanded from \$1,500 or less to more than \$5,000 but less than or equal to \$7,500 \$ 45

### Benefits of Uniform Civil Fee Structure

The uniform fee structure offers numerous benefits:

- *Streamlines and simplifies the civil fee structure.* The former variety of surcharges and add-on fees were consolidated into one filing fee.
- *Creates uniformity.* The same filing fee is charged for a given service in all 58 counties, with an exception to accommodate the local courthouse construction surcharges in three counties.
- *Maintains access.* Average fees were modestly increased, and the ability to ensure access to justice for all Californians has been maintained.
- *Enhances equal access.* The new structure provides additional funding for equal access programs.
- *Ensures fairness.* Reasonable differentials based on different case types remain in the fees.
- *Ensures accuracy and accountability.* The implementation of a single, statewide civil fee structure has increased accuracy in the collection and distribution of fees and provides more detailed fee information for local courts, counties, and the state.
- *Offers predictability.* Courts and attorneys know what the fees are and that fees will remain unchanged through the end of 2007.
- *Stabilizes funding.* The uniform civil fee structure:
  - Removes sunset dates;
  - Increases filing fees to restore revenues to the level of the 2003 Budget Act; and
  - Preserves the current revenue level for noncourt recipients of fees (e.g., counties, law libraries).
- *Creates and supports the infrastructure.* To the extent feasible, funding is provided to support facility and technology improvements in the trial courts.