



ACCESS CENTER FEE WAIVER A-Z

STEPS AFTER FILING A FEE WAIVER

Q: How will I know if my fee waiver was granted or denied?

A: When you file your request, the clerk should tell you how long it will take to process your fee waiver and how to get the court order. Once you receive the order (Form FW-003), read it carefully. If your application is granted, the judge will mark the granted box and will indicate which fees are waived. If the judge denies your request, the form will detail the reason(s) for the denial.

Q: My fee waiver was granted, what fees are included as waived?

A: To locate this information, read the boxes the judge checked on your order (Form FW-003). The following is a list of *some* of the fees that can be waived:

1. Filing papers in superior court (except for appeals in cases worth over \$25,000);
2. Making and certifying copies;
3. Having the sheriff's office give notice;
4. Getting a court-appointed interpreter in small claims court;
5. Having a court hearing by telephone;
6. Giving notice and certificates;
7. Sending papers to another court department;
8. Having a court reporter; AND
9. Preparing, copying, and certifying a clerk's transcript on appeal and transmitting it to the appellate court and the party.

Q: My fee waiver was granted. How long will it be valid?

A: In general, fee waivers may expire after 60 days, if your financial circumstances change and/or until your case reaches a final disposition. If the court clerk informs you that your fee waiver has expired, you can submit a new request (Forms FW-001 and FW-003) with your most current information. The court will make a new order based on your updated information.

Q: Why was my fee waiver denied?

A: Read the boxes checked on the order (Form FW-003). The order will detail the reasons for your fee waiver denial. Generally, fee waivers may be denied if you did not

complete the form FW-001 correctly/entirely **and/or** because you do *not* meet the qualifications for the fee waiver based on your household income and expenses. If the judge requests additional information from you, a court hearing will be scheduled for you to present requested documents to demonstrate your eligibility for the fee waiver.

Q: My fee waiver was denied, but I think this was an error. How do I request a hearing?

A: The court will include additional blank court forms when you are mailed the judge’s decision on the order (Form FW-003).

Fill out the following forms:

1. FW-006, *Request for Hearing on Court Fee Waiver* (Relevant sections only)
2. FW-007, *Notice on Hearing about Court Fees* (Item numbers 1-3 and captions only)
3. Make a copy of each document and submit the paperwork to the clerk’s office for filing at the Civic Center Courthouse, 400 McAllister Street, Room 103, San Francisco, CA 94102. Note that you only have 10 days to request the hearing. If you miss the 10-day deadline, the court may deny your hearing request.

FW-006

<p>FW-006 Request for Hearing About Court Fee Waiver Order (Superior Court)</p> <p>1 Your Information <i>(person who asked the court to waive court fees):</i> Name: <u>John Jay Smith</u> Street or mailing address: <u>123 Apple Way</u> City: <u>San Francisco</u> State: <u>CA</u> Zip: <u>94102</u> Phone number: <u>415-555-1234</u></p> <p>2 Your lawyer, if you have one <i>(name, address, phone number, e-mail, and State Bar number):</i> <u>IN PRO PER</u></p> <p>3 Date of order denying your request to waive court fees <i>(month/day/year):</i> <u>01/01/20</u> <input checked="" type="checkbox"/> <i>(Check here if you have a copy of the order denying your request, and attach it to this form.)</i></p> <p>4 I ask the court for a hearing on my fee waiver request so that I can bring more information about my financial situation.</p> <p>5 <input checked="" type="checkbox"/> The additional facts that support my request for a fee waiver are <i>(describe):</i> <i>(Use this space if you want to tell the court in advance what facts you want considered at the hearing. If the space below is not enough, attach form MC-025. Or attach a sheet of paper and write Additional Facts and your name and case number at the top. You may also attach copies of documents you want the court to look at.)</i> <u>WRITE ADDITIONAL FACTS HERE.</u> <div style="background-color: #cccccc; height: 40px; width: 100%; margin-top: 5px;"></div></p> <p>Date: <u>01/05/20</u></p> <p><u>John Jay Smith</u> <u>John Jay Smith</u> <small>Print your name here</small></p>	<p style="text-align: center;">CONFIDENTIAL</p> <p><small>Clerk stamps date here when form is filed.</small></p> <hr/> <p><small>Fill in court name and street address:</small> <u>Superior Court of California, County of San Francisco</u> <u>400 McAllister Street</u> <u>400 McAllister Street</u> <u>San Francisco, CA 94102</u></p> <hr/> <p><small>Fill in case number and case name:</small> Case Number: <u>FDI-19-123456</u> Case Name: <u>Smith v. Smith</u></p>
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<p>FW-007 Notice on Hearing About Court Fees</p> <p>1 Person who asked for the hearing: Name: JOHN JAY SMITH Street or mailing address: 123 APPLE WAY City: SAN FRANCISCO State: CA Zip: 94102 Phone number: _____</p> <p>2 Lawyer, if person in (1) has one (name, address, phone number, e-mail, and State Bar number): IN PRO PER _____</p> <p>3 The court received your request for a hearing about your court fees on (date): 01/05/2020</p> <p>Read this form carefully. All checked boxes <input checked="" type="checkbox"/> are court orders.</p> <p>4 <input type="checkbox"/> 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.</p>	<p style="text-align: center;"><small>Clerk stamps date here when form is filed.</small></p> <div style="border: 1px solid black; height: 50px; margin-bottom: 10px;"></div> <p><small>Fill in court name and street address:</small></p> <div style="border: 1px solid black; padding: 2px;"> Superior Court of California, County of San Francisco 400 McAllister Street 400 McAllister Street San Francisco, CA 94102 </div> <p><small>Fill in case number and case name:</small></p> <div style="border: 1px solid black; padding: 2px;"> Case Number: FDI-19-123456 Case Name: SMITH V. SMITH </div>
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Q: I have a hearing scheduled on my Fee Waiver request. What should I expect?

A: It is very important that you attend the hearing. Bring all documents requested by the Court. The hearing will be private/confidential. If you do not go to this court hearing, your fee waiver application will be denied, and you will be required to pay your fees within 10 days.

Q: I went to my Fee Waiver hearing and my request was denied, what can I do now?

A: It all depends on the reasoning behind the denial and judge's order. Read the second page of your Order (Form FW-008) to determine your next steps and options. The following are some of the scenarios you may face:

1. The Judge denied your fee waiver in its entirety and has ordered you to pay all associated fees in full.
 - This means you must pay all your court fees within 10 days from the date of the Clerk's Certificate of Service (this date can be found on the FW-008). If you fail to pay the entire amount within the deadline, the Court will *strike* your filed papers. If this occurs, you run the risk of having to begin

your case in its entirety. This can have significant consequences, such as missing a statute of limitations deadline to raise the cause of action.

2. The Judge granted you a *partial* waiver of your fees and costs.
 - This means you still must pay *some or part* of the court fees associated with your case. Read the order (form FW-008) for specific fees which you are ordered to pay. Note that you must pay all the designated court fees within 10 days from the date of the Clerk's Certificate of Service. If you fail to pay the amount within the deadline, the Court will *strike* your filed papers. If this occurs, you run the risk of having to begin your case in its entirety. This can have significant consequences, such as missing a statute of limitations deadline to raise the cause of action.
3. The Judge denied your request for a waiver *but* will allow you to pay some of the costs and fees, over a set time period.
 - Carefully read the order (form FW-008) for specific fees which you are ordered to pay. On the actual document, the Court will specify when you must begin payment, how much you must pay with each installment and how often each installment must be paid. Note that if you fail to comply with the Order and payment schedule, the Court will *strike* your filed papers. If this occurs, you run the risk of having to begin your case in its entirety. This can have significant consequences, such as missing a statute of limitations deadline to raise the cause of action.