SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

# FEE WAIVER PACKET GUARDIANSHIPS AND CONSERVATORSHIPS



FORMS INCLUDED IN THIS PAC	KET
Information Sheet on Waiver of Superior Court Fees and Costs	Judicial Council Form #FW-001-INFO
Request to Waive Court Fees (Ward or Conservatee)	Judicial Council Form #FW-001-GC
Order on Court Fee (Superior Court) (Ward or Conservatee)	Judicial Council Form #FW-003-GC

PKT-041 (Rev. 3/25)

# 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 \$35,000)
  - Making and certifying copies
- Giving notice and certificates

• Sheriff's fee to give notice

- Sending papers to another court department
- 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 (use form FW-020 to ask for a court 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 Cal. Rules of Court, rule 8.833 or 8.834
- Making a transcript or copy of an official electronic recording under Cal. Rules of Court, rule 8.835
- 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

- 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 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 (<u>not</u> Social Security) (*list continues on next page*)

- 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
- WIC-Special Supplemental Nutrition Program for Women, Infants, and Children
- Unemployment—unemployment compensation
- 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, § 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.
- If you want a record made of your court hearing or trial: There are various reasons why you may want a record of the hearing or trial. Among other reasons, you may want to have a record for an appeal if you disagree with a court order or judgment. If you receive a fee waiver and if the court is not electronically recording the proceeding, you may ask the court to have an official court reporter attend your hearing or trial at no cost to you, so there can be a record of the proceeding. Use San Diego Superior Court local form *Request for Court Reporter by a Party With a Fee Waiver* (SDSC Form #ADM-379) to make the request, which you should file at least 10 calendar days before a scheduled court date, or as soon as you can if the court date is set with less than 10-days' notice.

If you want a written transcript after the hearing or trial, you will need to pay the court reporter separately, or arrange to get the transcript in another way. To learn about ways to do that, talk with the court's Self Help Center or read the information about appeals on the self-help webpages at <u>https://courts.ca.gov/selfhelp-appeals.htm.</u>

FW-		Waive Court Fees onservatee)		CONFIDENTIAL
he appo ees in the ther civenter the civenter the wa	m must be used by a guardian pintment of a guardian or cons he guardianship or conservato vil action in which the guardia s of the ward or conservatee as ard or conservatee (including a p	Clerk stamps date here when form is filed.		
et been y public r does r ne court he court onserva	for appointment of a guardian o decided by the court) directly re- c benefits received by another fe not have enough income to pay a t fees, you may use this form to rt may order you to answer ques atee. If the court waives the fees one with a duty to support the w	eccives public benefits or is or their support, is a low-inc for their household's basic n ask the court to waive the co stions about the finances of t , the ward or conservatee, th	supported ome person, eeds and ourt fees. he ward or eir estate,	Fill in court name and street address: Superior Court of California, County of San Die
ay later		and of conservatee, may still		Fill in case number and name:
You c	cannot give the court proof of th vard's or conservatee's financial		•	Case Number:
You s more. in the	settle the civil case on behalf of The trial court that waives fees amount of the waived fees and or conservatee, or their estate, a	the ward or conservatee for will have a lien on any such costs. The court may also ch	<b>\$10,000</b> or a settlement	Case Name:
– Na	ame:	_		o appoint a guardian or conservator): Phone:
Str	reet or mailing address:			
Cit	ty:	State: Zi	p:	
2) Yo	our Lawyer (if you have one):	Name:		
	rm or Affiliation:			
Ad	ldress:			Phone:
				Email:
a.				(check one): Yes 🔲 No 🗌
3 Wa	you may have to go to a hearin ard's or Conservatee's Info ame:	g legal-aid type services base og to explain why you are as prmation (file a separate Re	<i>king the cour</i> equest <i>for eac</i>	ch ward in a multiward case): Age and date of birth (ward only):
Ci	reet or mailing address:	State: Zip	:	
Ph	ione:	Sunter Elip	·	_
4) Wa	ard's or Conservatee's Law	<b>vyer</b> , if any: Name:		
Fir	rm or Affiliation:	• • • • •		State Bar No.:
				Phone:
				Email:
5) Wa	ard or Conservatee's Job (	job title; if not employed, so	state):	
Na	ame of employer:			State:Zip:

6			e Information bourt of Appeal,	Sheet on Waiv or Appellate	<i>er of Superior</i> Division of Sup	Court Fees at		FW-001-INFO).) n Sheet on Waiver of
7		heck here if you <i>f your previous r</i>						ere):
(8)		. –	-		_			
U	B) Why are you asking the court to waive the ward's or conservatee's court fees? a.							
		domestic partn		*				
		<ul> <li>IHSS (In-He</li> <li>County Reli</li> <li>Special Sup</li> <li>Unemploym</li> </ul>	ome Supportive ef/General Ass plemental Nutr nent Compensa	Services)	CalWORKS of CAPI (Cash A for Women, In	or Tribal TAN Assistance Pro Ifants, and Ch	IF IN Normal Median III Normal	NAP (Food Stamps) Iedi-Cal , Blind, and Disabled) rogram) <i>nefits listed above):</i>
	b. 🗌							for taxes) is less than <i>e 4 of this form.)*</i>
		Family Size	Family Income	Family Size	Family Income		Family Income	If more than 6 people
		1	\$2,608.33	3	\$4,441.67	5	\$6,275.00	at home, add \$916.67
		2	\$3,525.00	4	\$5,358.33	6	\$7,191.67	for each extra person.
	c. 🗌	The ward's or c fees. I ask the c						c needs <i>and</i> the court <i>page 4):*</i>
*	(3	<ul> <li>Waive all (</li> <li>Waive all (</li> <li>Let the (propriation of the payments of the pay</li></ul>	roposed) guard over time.	ian or conserv		of the (propo	esed) ward or co	onservatee, make them in family size in
		ss they are a pare						
9		d's Estate: 🗌 🛛	Person only, no	estate.	Inventory or j	petition estim		nd 10.
	Sour	ce (e.g., gift, inhe	ritance, settlen	ient, judgmen	t, insurance):	Est. co	ollection date:	
(10)	War	d's Parents' In	formation:					
$\bigcirc$		ame of ward's pa			Г	Deceased	(date of death	):
	S	treet or mailing a	ddress:		Ę		(unite of treating	·
	C	ity:		Sta	ate: Zip	:	_	
	Р	hone:						
	b. N	ame of ward's pa	arent:			Deceased	(date of death)	):
	S	treet or mailing a	ddress:		. 7.			
	C	ity:		Sta	ate: Zıp	:	_	
	c. W	· ·	e (check all that	<i>t apply):</i> n			-	ated 🗌 divorced
	P	ayor (name):				~		
	C	ourt:	11.1.1.1.4	·1		(		
	D	pate of order (if m	uitiple, date of	latest):		Monthly	amount:	

	Conservators or petition	ers for their ap	pointment mu	ist complete ite	ems 11–13.
11)	Conservatee's Estate:  Person	only, no estate.			
$\bigcirc$	Inventory or petition estimated val	ue:		Est. collection	date:
12)	Conservatee's Spouse's or Regi	stered Domest	ic Partner's In	formation:	
	Name of conservatee's spouse or regis Date of marriage or partnership:	•			:
	Street or mailing address: City: Name of employer <i>(if none, so state):</i>	State:	Zip:	I none	
	Employer's address.			S	tate: Zip:
	The conservatee's spouse or partner planning to manage, some or all of the				
	If you selected "is" above: The income the income and property managed, or o				
	Divorced (date of final judgment of	or decree ):			
	Court:				
	Case Number:	Support order for	conservatee?	□ No □ Yes	
	Date of support order (if multiple, date				amount:
13)	The Conservatee and Trusts:				

The conservatee:

- a.  $\square$  is  $\square$  is not a trustor or settlor of a trust.
- b.  $\Box$  is  $\Box$  is not a beneficiary of a trust.

If you selected "Is" to complete any of the above statements, identify and provide, in an attachment to this Request, the current address and telephone number of the current trustee(s) of each trust, describe the general terms of and value of each trust and the nature and value of the conservatee's interest in each trust, and the amount(s) and frequency of any distributions to or for the benefit of the conservatee prior to your appointment as conservator of which you are aware. (You may use Judicial Council form MC-025 for this purpose.)

#### All applicants who checked item 8b or item 8c on page 2 must continue to and follow the instructions for completion of items 14–16 or items 14–18 on page 4, before signing below.

The information I have provided on this form and all attachments about the (proposed) ward or conservatee is true and correct to the best of my information and belief. The information I have provided on this form and all attachments concerning myself is true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Print your name here

Sign here



#### If you checked 8a on page 2, do not fill out below. If you checked 8b, you **must** answer questions 14–16. If you checked 8c, you **must** answer questions 14–18. If you need more space, attach form MC-025 or attach a sheet of paper, and write "Financial Information" and the ward's or conservatee's name and case number at the top.

17

(14	.)[
$\bigcirc$	/ _

#### Check here if the ward's or conservatee's income changes a lot from month to month. If it does, complete the form based on their average income for the past 12 months.

#### Ward's or Conservatee's Gross Monthly Income

a. List the source and amount of *any* income the ward or conservatee gets each month, including: wages or other income from work before deductions, 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 jobrelated expenses, gambling or lottery winnings, etc.

(1)	\$
(2)	\$
(3)	\$
(4)	\$

(5)

b. Total monthly income:

#### Ward's or Conservatee's Household's Income 16

a. List the income of all other persons living in the ward's or conservatee's home who depend in whole or in part on them for support, or on whom they depend in whole or in part for support.

	Name	Age	Relationship	Gross Monthly Income
(1)				\$
(2)				\$
(3)				\$
(4)				¢.
(5)				\$
(6)				\$
(7)				\$
(8)				\$
(9)				\$
(10 <u>)</u>				\$
b. Total	monthly incom	ne of per	sons above:	\$
Total monthl	y income <i>anc</i>	1		

household income (15b plus 16b):

To list any other facts you want the court to know, such as the (proposed) ward's or conservatee's unusual medical expenses, etc, attach form MC-025 or attach a sheet of paper and write "Financial Information" and the (proposed) ward's or conservatee's name and case number at the top.

*Check here if you attach another page.* 

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

Do not include income of guardian or conservator living in the household in item 16, their money and property in item 17, or their deductions and expenses in item 18 unless they are a parent of the ward or the spouse or registered domestic partner of the conservatee.

Request to Wa
(Ward or C

) <b>W</b>	ard's or Conservatee's Hou	seh	old's Money	y and Property
a.	Cash			\$
b.	All financial accounts (list bank	na	me and amou	unt):
	(1)			\$
	(2)			\$
	(3)			\$
c.	Cars, boats, and other vehicles			
	Make / Year	<b>•</b>	Value	
	(1)	_\$_		_\$
	(2) (3)	\$ \$		_\$ _\$
d.	Real estate		Fair Market	How Much You
	Address		Value	Still Owe
	(1)	_\$		_\$
	(2)	_\$		_\$
e.	Other personal property (jewel bonds, etc.):	-	urniture, furs,	

			Fair Market	How Much You
	Describe		Value	Still Owe
(1)		\$_		\$
(2)		\$_		\$
· / -				

#### 18) Ward's or Conservatee's Household's Monthly **Deductions and Expenses**

a. List any payroll deductions and the monthly amount below:

	\$\$
	\$
	\$
Paid to:	How Much?
Any other monthly expenses (list each below).	
Wages/earnings withheld by court order	\$
(3)	\$
	\$
	\$
Paid to:	<u>^</u>
Installment payments (list each below):	
Transportation, gas, auto repair and insurance	\$
Child, spousal support (another marriage)	\$
School, child care	\$
•	\$
	\$ \$
8	\$\$
·	\$ ¢
	\$
	\$
(4)	\$
	\$
(2)	\$
(1)	\$
	<ul> <li>(2)</li></ul>

FW-003-GC Order on Court F	ee Waiver (Ward or Conservatee)	Clerk stamps date here when form is filed.
(Superior Court)	who asked the court to	-
waive court fees for (proposed) ward	or conservatee:	
Name:		
Street or mailing address:	Zip:	
Telephone:	Zip	
$\bigvee$ N	State Bar No:	
Name: Firm or Affiliation:		-
Street or mailing address:		Fill in court name and street address:
City:	State: Zip:	Superior Court of California, County of San Diego
E-mail:	Telephone:	-
(Proposed) ward or conservatee: Name:	I	-
Street or mailing address:		-
City:	State: Zip:	-
Telephone:		
(4) Lawyer for (proposed) ward or conse	ervatee. if anv:	Fill in case number and name:
Name:	· · · · · · · · · · · · · · · · · · ·	Case Number:
Firm or Affiliation.		-
Street or mailing address:		Case Name:
City:	State:Zip:	
•	Telephone:	-
(5) A request to waive court fees was filed on (		-
$\Box$ The court made a previous fee waiver		-
		a accust and any
	ully. All checked boxes 🗙 ard	
<b>Notice:</b> The court may order you to answer quest and may later order payment of the waived fees can also charge collection fees. The court may a from persons who owe a duty to support the war financial circumstances during this case that incr court within five days. (Use form FW-010-GC.)	from his or her estate. If this hap lso direct you to make efforts to d or conservatee. If there is a ch reases his or her ability to pay fe	ppens and the fees are not paid, the court collect money to pay back waived fees hange in the ward's or conservatee's
If this case is an action against another party and may order the other side to pay some or all of th will have a lien on the settlement in the amount is paid.	e waived fees. If you settle the r	natter for <b>\$10,000</b> or more, the trial court
The court may also have a lien against the ward distributed, the guardianship or conservatorship conservator.		
<b>6</b> After reviewing your: <i>Reques</i>	t to Waive Court Fees	Request to Waive Additional Court Fees
the court makes the following orders:		
a. $\Box$ The court <b>grant</b> s your request conce	erning the ward's or conservatee	's court fees and costs, as follows:
	your request and waives the fees	
· · ·	·	o pay the court fees for the following:
Filing papers in superior cour		
<ul> <li>Making copies and certifying</li> <li>Sheriff's fee to give notice</li> </ul>	• Giving notice and ce • Sending papers to at	nother court department
• Sheriff's fee to give notice	(List continued on new	
	,	1 0-7

Judicial Council of California, www.courts.ca.gov
Revised September 1, 2019, Mandatory Form
Government Code, §§ 68631, 68634(e)
Cal. Rules of Court, rules 3.52 and 7.5

Case Number:

6	a.	(1)	<ul> <li>Reporter's fee for attendance at hearing or trial, if you request that the court provide an official reporter</li> <li>Assessment for court investigations under Probate Code section 1513, 1826, or 1851</li> <li>Preparing, certifying, copying, and sending the clerk's transcript on appeal</li> <li>Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834</li> <li>Making a transcript or copy of an official electronic recording under rule 8.835</li> </ul>			
		(2)	Additional Fee Waiver. The court grants your request and waives the additional superior court fees and costs that are checked below. <i>(Cal. Rules of Court, rule 3.56.)</i> You do not have to pay for the checked items.			
			<ul> <li>Jury fees and expenses</li> <li>□ Fees for court-appointed experts</li> <li>□ Other (specify):</li> <li>□ Fees for court-appointed experts</li> <li>□ Dther (specify):</li> </ul>			
	b.	The	court <b>denies</b> your fee waiver request, as follows:			
			<b>rning!</b> If you miss the deadline below, the court cannot process your request for hearing or the court papers i filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.			
		(1)	The court <b>denies</b> your request because it is incomplete. You have <b>10 days</b> 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 On Attachment 6b(1)			
		(2)	<ul> <li>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 for the reasons specified:</li> <li>Below On Attachment 6b(2)</li> </ul>			
			The court has enclosed a blank <i>Request for Hearing About Court Fee Waiver Order (Ward or Conservatee)(Superior Court)</i> (form FW-006-GC). You have <b>10 days</b> after the clerk gives notice of this order (see date of service on next page) to:			
			<ul> <li>Pay the fees and costs in full or the amount listed in c below, or</li> <li>Ask for a hearing in order to show the court more information. (Use form FW-006-GC to request hearing.)</li> </ul>			
	c.		The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about questions regarding your eligibility specified.			
			Below On Attachment 6c(1)			
		(2)	Bring the items of proof to support your request, if reasonably available, that are listed: Below On Attachment 6c(2)			
-						

**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.

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

 $\square$  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.

A certificate of mailing is attached.

Date:

Clerk,	by
Name:	

\_\_\_\_\_, Deputy

# This is a Court Order.