

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SP15-02

Title

Court fee waivers in decedent estates, guardianships, and conservatorships and for wards and conservatees participating in civil actions

Proposed Rules, Forms, Standards, or Statutes
Adopt Cal. Rules of Court, rule 7.5; amend rules 3.50–3.53 and 8.26; adopt forms FW-001-GC, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, and APP-016-GC/FW-016-GC; revise forms FW-001-INFO and APP-015/FW-015-INFO

Proposed by

Probate and Mental Health Advisory
Committee
Hon. John H. Sugiyama, Chair

Action Requested

Review and submit comments by April 23, 2015

Proposed Effective Date

September 1, 2015

Contact

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Executive Summary and Origin

Legislation effective on January 1, 2015, has changed the law governing court fee waivers involving guardians, conservators, and petitioners for their appointment. The new law clarifies that the fee waiver in such matters is in favor of the (proposed) ward or conservatee and must be based solely on his or her financial condition, but requires the fiduciary or the petitioner for the fiduciary's appointment, or both, to participate in all court proceedings and to respond to all court orders concerning the waiver.

To implement this new law, the committee is proposing a new rule of court regarding fee waivers in guardianships and conservatorship proceedings and new versions of Judicial Council fee waiver forms for use by probate guardians and conservators, and by petitioners for their appointment. The rule would also address fee waivers in decedent estate proceedings.

Background

No rules of court, Judicial Council forms, or—until 2014—legislation specifically addressed court fee waivers in decedent's estates, probate guardianship and conservatorship proceedings, or civil actions in which guardians or conservators represent the interests of their wards or conservatees as parties. These matters present unique circumstances. For example:

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

- A decedent’s estate may involve a petitioner for the appointment of a personal representative who personally qualifies for a court fee waiver. However, after appointment, the personal representative will have access to the assets of the estate and will be authorized to pay court fees from those assets as expenses of administration; and
- Guardianship or conservatorship proceedings and civil actions in which a guardian or conservator is a party representing the ward or conservatee share the characteristic that the fiduciary represents the interests of another person, not his or her own interests. But the current fee waiver rules and forms presume that a fee waiver applicant is also the beneficiary of the waiver.

In 2014, legislation was enacted that changed the law concerning court fee waivers in cases involving guardians and conservators, and petitioners for their appointment.¹ The changes are as follows:

- Assessments for court investigations in guardianships and conservatorships under Probate Code sections 1513.1 and 1851.5 are made subject to the fee waiver provisions in the Government Code “as specified in rules adopted by the Judicial Council” (Gov. Code, § 68631; and Prob. Code, §§ 1513.1 and 1851.5);²
- Upon establishment of the guardianship or conservatorship, the court may collect all or part of any fees waived under Government Code sections 68631 and 68632 from the estate of the ward or conservatee if the court finds that the estate has the ability to pay all or a portion of the fees immediately, over a period of time, or under some other equitable agreement, without using moneys that normally would pay for the common necessities of life for the *applicant* and the *applicant’s* family (Gov. Code, § 68631);
- For purposes of the fee waiver provisions, the (proposed) ward or conservatee is the “applicant,” and the guardian, conservator, or person seeking to establish the guardianship or conservatorship is the “petitioner.” The “petitioner,” not the “applicant,” is responsible for completing all forms and providing all information required under those provisions (Gov. Code, § 68631.5); and

¹ Chapter 913, Statutes of 2014 (Assem. Bill 2747), sections 23–25, 27.5, and 30.5.

² The existing provisions in sections 1513.1 and 1851.5 authorizing courts to decline to order payment of all or any portion of an assessment if payment would impose a hardship on the ward or conservatee or his or her estate remain in the law, giving courts opportunities to continue to eliminate or reduce guardianship or conservatorship investigation assessments independent of the Government Code fee waiver provisions.

- Instead of a “person” qualifying for a court fee waiver under any of the three ways listed in Government Code section 68632(a), (b), or (c),³ an “applicant,” as defined above, who qualifies under any of those ways, is eligible for the waiver. In addition, a person also qualifies for the waiver if he or she petitions for appointment of a fiduciary in a guardianship or conservatorship or files pleadings as the appointed fiduciary of a ward or conservatee who qualifies for a waiver (Gov. Code, § 68632).

The Proposal

Rule 7.5

To implement this new legislation, the committee proposes the adoption of new rule 7.5 to govern initial fee waivers (as defined in existing rule 3.50(b)) requested by petitioners for the appointment of fiduciaries in decedents’ estates, conservatorships, and guardianships; by these fiduciaries for filings in these proceedings after their appointment; and by conservators and guardians in other civil actions or proceedings in which they are parties representing the interests of their wards or conservatees.⁴ The main elements of the proposed rule are summarized below.

Decedents’ estates

- A court fee waiver requested by a petitioner for the appointment of a personal representative of a decedent’s estate would be based on the financial condition of the petitioner (rule 7.5(c)), however, if a petitioner who has obtained a fee waiver is appointed as personal representative, the appointment may be considered a change of financial condition for fee waiver purposes under Government Code section 68636 and the petitioner’s continued eligibility for the waiver would be based on his or her financial condition, combined with that of the estate (rule 7.5(d)(1)(A)).
- Upon collection of the estate after appointment and qualification, the personal representative must notify the court of a possible change in financial circumstances under Government Code section 68636(a) (rule 7.5(d)(1)(B)).
- The court may make a preliminary determination, based on the initial estimates of estate value and annual income from real and personal property in the *Petition for Probate*, that the petitioner’s appointment as personal representative is a change of financial condition that makes him or her no longer eligible for a fee waiver. If the court does so, it must give the notice and conduct the hearing required by Government Code section 68636(b) (rule 7.5(d)(1)(C));

³ A person who (a) receives listed public benefits, (b) has income equal to or less than 125 percent of federal poverty guidelines, or (c) is determined by the court to be unable to pay court fees without using funds that normally would be used for the common necessities of life for the person and his or her family.

⁴ In 2011, an earlier version of a proposed rule 7.5 regarding fee waivers in these proceedings was circulated for comment by the committee (proposal SPR11-57). However, that version of the rule was not ultimately presented to or considered by the Judicial Council. The rule proposed here is significantly changed from the rule that was previously circulated, reflecting the effect of the new legislation.

- If a petitioner who has obtained a fee waiver is not appointed as personal representative of the decedent’s estate—because his or her petition sought another’s appointment or was not the successful petition—his or her fee waiver would continue for any additional filings in the proceeding in his or her individual capacity (e.g., as an heir or beneficiary). In that event, the appointed personal representative may apply for a fee waiver if he or she and the estate, taken together, qualify (rule 7.5(d)(2));
- If collection of the estate of a decedent is a change of financial condition of a successful fee waiver applicant that results in withdrawal of a previously granted initial waiver, the estate would be required to pay the previously waived costs and fees as an allowable expense of administration (rule 7.5(g)).
- “Final disposition of the case” for purposes of determining the expiration date of an initial fee waiver in a decedent’s estate under Government Code section 68639 is the discharge of the personal representative (rule 7.5(k)(2)).

Conservatorships and guardianships

- A court fee waiver requested by a petitioner for the appointment of a conservator or guardian would be based on the financial condition of the proposed conservatee or ward, not that of the petitioner (rule 7.5(b)).
- The financial condition of the (proposed) ward or (proposed) conservatee would include the financial condition of any person against whom he or she has a claim for support, including the spouse or registered domestic partner of a conservatee and the parents of a ward (rule 7.5(e)(1)).
- Claims for support would be subject to the provisions of Government Code section 68637(d) and (e) concerning the support obligor’s ability to pay all or a portion of the waived fees (rule 7.5(e)(1)(A)).⁵

⁵ Government Code section 68637(e) provides in part: “In considering whether a child or spousal support order constitutes a change of circumstances allowing the [supported] party to pay fees, the court also shall consider the likelihood that the support obligor will remit the payments ordered by the court.” Section 68637(d) and (e) expressly apply only to support orders in family law cases, in which the support obligor and obligee were opponents in the litigation, the obligee had received a fee waiver, and the obligor might be directly ordered to pay the previously waived fees. Under the proposed rule, consideration of the financial condition of those with an obligation to support a ward or conservatee is not limited to situations in which there are support orders; but the court may evaluate the likelihood of the support obligor’s actual payment of the waived fees, expressed in the rule as ability to pay, in determining whether the financial condition of the obligor should be included as part of the ward’s or conservatee’s financial condition for purposes of a court fee waiver.

- After the appointment of a conservator or guardian, the rule would define the appointee as “the person who received [an] initial fee waiver,” within the meaning of Government Code section 68636(a), whether or not he or she was the successful applicant for the initial waiver. The appointed fiduciary would have a duty to notify the court of any change in the financial circumstances of the conservatee or ward—any change that affects his or her ability to pay the waived fees, including any changes in the financial condition of those with an obligation to support him or her of which the fiduciary becomes aware after reasonable investigation (rule 7.5(e)(2)).
- The financial condition of the (proposed) conservatee would include his or her interest in community property that is outside the conservatorship estate and under the management or control of his or her spouse or registered domestic partner, and the right to receive support, income, or other distributions from a trust or under a contract. (See Prob. Code, § 3051(b)) (rule 7.5(e)(1)(B) and (C).)
- Upon establishment of a conservatorship or guardianship of the estate or the person and estate of the conservatee or ward, the court would be permitted to collect all or a portion of court fees previously waived from the estate if the court finds that the estate has the ability to pay the fees, or a portion of them, immediately, over a period of time, or under some other equitable agreement, without using money that would normally be used to pay for the common necessities of life for the conservatee or ward and his or her family. The court would be required to comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5) (rule 7.5(h)).
- “Final disposition of the case,” for purposes of determining the expiration date of an initial fee waiver in a conservatorship or guardianship proceeding under Government Code section 68639, would be the later of termination of the proceeding by order of court or under operation of law in conservatorships and guardianships of the person, and discharge of conservators and guardians of the estate (rule 7.5(k)(1) and (2)).
- The provisions of Government Code section 68633(g) concerning agreements between applicants for initial court fee waivers and their counsel for counsel to advance court fees would apply to the proceedings governed by the proposed rule. Conservators, guardians, and petitioners for their appointment applying for initial fee waivers under the rule would be required to complete items 2a and 2b of forms FW-001-GC and FW-002-GC, proposed here, which would be used to request these waivers (rule 7.5(j)).⁶

⁶ Form FW-002-GC is a request for a waiver of “additional fees,” defined by rule 3.56 to include jury fees and expenses, court-appointed interpreter’s fees for witnesses, certain reporter’s fees, and witness fees of court-appointed experts. “[A]dditional fees” are within the scope of initial court fee waivers under rule 3.50(b) and thus also within the scope of proposed rule 7.5.

Additional discretionary factors. The court would have discretion in decedent estates, conservatorships, and guardianships to consider additional estate management factors in making a determination of the estate’s financial condition for fee waiver purposes. These factors include the estate’s liquidity; whether estate property or income is necessary for the support of a person entitled to a family allowance in a decedent’s estate, the conservatee or a person entitled to support from the conservatee, or the ward; and whether property in a decedent’s estate is specifically devised.

If the court eliminates property from consideration in its discretion under this provision, it may determine that the estate could make payments over time or partial payments, or establish a lien against distribution of the property under an equitable arrangement within the meaning of Government Code section 68632(c) and 68634(e)(5) (rule 7.5(f)).

Civil actions in which a conservator or guardian is a party representing his or her conservatee or ward. In a civil action in which a conservator or guardian is a party representing the conservatee or ward, for purposes of Government Code sections 68631.5, 68636, and 68637, the conservator or guardian, not the conservatee or ward, would be the person with a duty to notify the court of a change of the conservatee’s or ward’s financial condition under section 68636(a) and the person the court may require to appear at a court hearing under sections 68636(b) and (c) (rule 7.5(i)).

Rules 3.50–3.53 and 8.26

Existing rules 3.50–3.53 and 8.26, concerning, respectively, trial court and appellate court fee waivers, are proposed for amendment in appropriate places to refer to proposed new rule 7.5 (amended rules 3.50(c) and 3.51(b)) and to the proposed new Judicial Council forms to be used by conservators and guardians—and petitioners for their appointment—to apply for initial and additional court fee waivers in trial and appellate fee waiver proceedings, and to address subsequent court proceedings concerning the applications.

Judicial Council forms

Forms for fee waiver applications, notices, and orders. The committee is proposing new versions of all current mandatory forms used for initial fee waiver applications, notices, and orders, modified for use only by petitioners for the appointment of guardians or conservators or by guardians or conservators after their appointment.⁷ The new versions of forms are identified by “(Ward or Conservatee)” in the title and the suffix “-GC” in the form designator, but

⁷ Forms FW-001, FW-002, FW-003, FW-005, FW-006, FW-007, FW-008, FW-010, FW-011, FW-012, and APP-016/FW-016. The forms presented here have been drafted from the latest versions of the listed forms, including revisions of some of them—proposed by the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee—that will be considered for adoption by the Judicial Council on April 17, 2015, effective July 1, 2015. If any of these revised forms are not approved by the Judicial Council or are approved after additional changes, the corresponding new forms proposed here will be modified following the comment period on this proposal to match the latest versions of the forms adopted by the Judicial Council in April.

otherwise with designators and titles identical to those of the current forms. The introductory paragraph of the proposed new *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) describes the intended application of that form and all of the other new forms:

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

New forms are recommended rather than revisions of the current fee waiver forms because the committee concluded that adding the necessary information to the current forms would make these forms too long and complex. To address waivers involving conservators or guardians, the name, address, and other personal information about the ward or conservatee—and his or her attorney, if any—in addition to the same information about the guardian or conservator or the petitioner for the fiduciary’s appointment, are necessary in all of the new forms. In addition, the forms must refer to the financial condition of the (proposed) ward or conservatee, not that of the petitioner or the appointed fiduciary who is asking for the waiver, although the latter is responsible for applying for the waiver, replying to requests from the court about it, and defending the waiver application in response to court action concerning it. Attempting to add requests for this information to the current forms—which request financial information of only the applicant, refer to the fees subject to the waiver as “your” (the applicant’s) fees, and impose all responsibilities on the applicant—would increase the number of checkbox selections that would be required, create forms that contain instructions and material applicable only to a relatively small percentage of fee waiver applicants (guardians and conservators and those seeking their appointment).

Items 9–13 of new form FW-001-GC represent the only significant change in the content of information requested by the new fee waiver forms, compared to the current forms. Items 9 and 10 would apply to guardians; items 11–13 would apply to conservators. These items seek information concerning the ward’s or conservatee’s estate, the ward’s parents, the conservatee’s spouse or registered domestic partner, and the conservatee’s connections with trusts. These items are based on the provisions of proposed rule 7.5 concerning these topics. (See rule 7.5(e)(1)(A)–(C).)

Information forms FW-001-INFO and APP-015/FW-015-INFO. These information forms would also be revised to advise guardians, conservators, and petitioners for appointment of guardians and conservators that they must complete and file the new proposed *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) or *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC) to request fee waivers and additional fee waivers in their cases. The proposed changes in the forms are highlighted in the attached drafts.

Alternatives Considered

The 2014 legislation discussed above eliminated the alternative of doing nothing to change the current fee waiver forms to address conservatorships and guardianships, and civil actions involving conservators and guardians. As noted above, the committee considered the option of amending the existing fee waiver forms to include the elements required to comply with the legislation, but concluded that this would make the general fee waiver forms too long and complex.

Implementation Requirements, Costs, and Operational Impacts

Probate department judicial officers and staff, the probate bar, and public interest law firms or organizations and self-help centers assisting self-represented low-income petitioners for the appointment of conservators or guardians will be required to quickly become familiar with the new rule of court and an entire set of new Judicial Council forms necessitated by the new law affecting fee waivers for these applicants. The committee believes that adopting a full set of specialty forms for these matters instead of modifying the existing forms used by all waiver applicants will actually reduce court training and implementation costs.

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 preferable to modify the existing forms instead of providing new forms to address applications for fee waivers by guardians, conservators, and petitioners for their appointment?

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, including self-help centers sponsored by 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 three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- Would an effective date other than January 1 present additional difficulties?
- Would those problems be greater or lesser than the problems presented to courts dealing with fee waiver applications by conservators, guardians, or petitioners for their appointments without a rule of court and forms specifically designed for these proceedings, in light of the new law affecting fee waivers in these matters?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Proposed Cal. Rules of Court, rules 3.50–3.53, 7.5, and 8.26, at pages 10–17
2. Proposed new and revised forms FW-001-GC, FW-001-INFO, FW-002-GC, FW-003-GC, FW-005-GC, FW-006-GC, FW-007-GC, FW-008-GC, FW-010-GC, FW-011-GC, FW-012-GC, APP-015/FW-015-INFO, and APP-016-GC/FW-016-GC, at pages 18–48
3. Assembly Bill 2747 (Stats. 2014, ch. 913), linked at:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2747&search_keywords=

Rule Proposal

Rules 3.50, 3.51, 3.52, 3.53, and 8.26 of the California Rules of Court would be amended and rule 7.5 adopted, effective September 1, 2015, to read:

TITLE 3 Civil Rules

Division 2 Waiver of Fees and Costs

3.50. Application of rules

(a)–(b) * * *

(c) Probate fee waivers

Initial fee waivers in decedents’ estate, probate conservatorship, and probate guardianship proceedings or involving guardians or conservators as parties on behalf of their wards or conservatees are governed by rule 7.5.

3.51. Method of application

(a) * * *

(b) Applications involving (proposed) wards and conservatees

An application for initial fee waiver under rules 3.55 and 7.5 by a probate guardian or probate conservator or a petitioner for the appointment of a probate guardian or probate conservator for the benefit of a (proposed) ward or conservatee, in the guardianship or conservatorship proceeding or in a civil action or proceeding in which the guardian or conservator is a party on behalf of the ward or conservatee, must be made on *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). An application for initial fee waiver under rule 3.56 by a guardian or conservator or a petitioner for the appointment of a guardian or conservator for the benefit of a (proposed) ward or conservatee must be made on *Request to Waive Additional Court Fees (Superior Court)(Ward or Conservatee)* (form FW-002-GC).

3.52. Procedure for determining application

The procedure for determining an application is as follows:

1 (1) * * *

2
3 (2) An order determining an application for an initial fee waiver must be made
4 on *Order on Court Fee Waiver (Superior Court)* (form FW-003) or, if the
5 application is made for the benefit of a (proposed) ward or conservatee, on
6 *Order on Court Fee Waiver (Superior Court)(Ward or Conservatee)* (form
7 FW-003-GC), except as provided in (6) below.

8
9 (3) An order determining an application for an initial fee waiver after a hearing
10 in the trial court must be made on *Order on Court Fee Waiver After Hearing*
11 *(Superior Court)* (form FW-008) or, if the application is made for the benefit
12 of a (proposed) ward or conservatee, on *Order on Court Fee Waiver After*
13 *Hearing (Superior Court) (Ward or Conservatee)* (form FW-008-GC).

14
15 (4) Any order granting a fee waiver must be accompanied by a blank *Notice of*
16 *Improved Financial Situation or Settlement* (form FW-010) or, if the
17 application is made for the benefit of a (proposed) ward or conservatee, a
18 *Notice to Court of Improved Financial Situation or Settlement (Ward or*
19 *Conservatee)*(form FW-010(GC).

20
21 (5) Any order denying an application without a hearing on the ground that the
22 information on the application conclusively establishes that the applicant is
23 not eligible for a waiver must be accompanied by a blank *Request for*
24 *Hearing About Fee Waiver Order (Superior Court)* (form FW-006) or, if the
25 application is made for the benefit of a (proposed) ward or conservatee, a
26 *Request for Hearing About Court Fee Waiver Order (Superior Court)(Ward*
27 *or Conservatee)* (form FW-006-GC).

28
29 (6) * * *

30
31 **3.53. Application granted unless acted on by the court**

32
33 The application for initial fee waiver is deemed granted unless the court gives
34 notice of action on the application within five court days after it is filed. If the
35 application is deemed granted under this provision, the clerk must prepare and
36 serve a *Notice: Waiver of Court Fees (Superior Court)* (form FW-005) or, if the
37 application is made for the benefit of a (proposed) ward or conservatee, a *Notice:*
38 *Waiver of Court Fees (Superior Court) (Ward or Conservatee)* (form FW-005-
39 GC), five court days after the application is filed.

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TITLE 7
Probate Rules

Chapter 1
General Provisions

7.5. Waivers of court fees in decedents' estates, conservatorships, and guardianships

(a) Scope of rule

This rule governs initial fee waivers, as defined in rule 3.50(b), that are requested by petitioners for the appointment of fiduciaries, or by fiduciaries after their appointment, in decedents' estates, conservatorships, and guardianships under the Probate Code. It also governs initial fee waivers in other civil actions or proceedings in which guardians or conservators are parties representing the interests of their wards or conservatees.

(b) Court fee waiver requested by a petitioner for the appointment of a conservator or guardian of the person, estate, or person and estate, of a conservatee or ward

A petitioner for the appointment of a conservator or guardian of the person, estate, or person and estate of a conservatee or ward must base an application for an initial fee waiver on the personal financial condition of the proposed conservatee or ward.

(c) Court fee waiver requested by a petitioner for the appointment of a personal representative of a decedent's estate

A petitioner for the appointment of a personal representative of a decedent's estate must base an application for an initial fee waiver on the petitioner's personal financial condition.

(d) Effect of appointment of a personal representative of a decedent's estate on a court fee waiver

The appointment of a personal representative of a decedent's estate may be a change of financial condition for fee waiver purposes under Government Code section 68636 in accordance with the following:

- 1 (1) If the successful petitioner is an appointed personal representative:
2
3 (A) The petitioner’s continued eligibility for an initial fee waiver must
4 be based on the combined financial condition of the petitioner and
5 the decedent’s estate.
6
7 (B) Upon marshaling or collecting assets of the decedent’s estate
8 following the petitioner’s appointment and qualification as
9 personal representative, the petitioner must notify the court of a
10 change in financial condition under Government Code section
11 68636(a) that may affect his or her ability to pay all or a portion
12 of the waived court fees and costs.
13
14 (C) The court may make a preliminary determination under
15 Government Code section 68636(b) that the petitioner’s
16 appointment as fiduciary is a change of financial condition that
17 makes the petitioner no longer eligible for an initial fee waiver
18 based, in whole or in part, on the estimates of estate value and
19 income contained in the petitioner’s appointment petition. In that
20 event, the court must give notice and conduct the hearing required
21 by section 68636(b).
22

23 (2) If the successful petitioner is not an appointed personal representative:
24

- 25 (A) An initial fee waiver for that petitioner continues in effect
26 according to its terms for subsequent fees incurred by that
27 petitioner in the proceeding solely in his or her individual
28 capacity.
29
30 (B) The appointed personal representative may apply for an initial fee
31 waiver. The application must be based on the combined financial
32 condition of the personal representative and the decedent’s estate.
33

34 (e) **Financial condition of the conservatee or ward**
35

- 36 (1) The financial condition of the conservatee or ward for purposes of this
37 rule includes:
38
39 (A) The financial condition—to the extent of the information known
40 or reasonably available to the conservator or guardian, or the
41 petitioner for the conservator’s or guardian’s appointment, upon
42 reasonable inquiry—of any person against whom the conservatee
43 or ward has a claim for support, including a spouse, registered

1 domestic partner, or parent. Such claims are subject to the
2 provisions of Government Code sections 68637(d) and (e)
3 concerning the obligated person’s ability to pay all or any portion
4 of the waived fees;

5
6 (B) A conservatee’s interest in community property that is outside the
7 conservatorship estate and under the management or control of
8 the conservatee’s spouse or registered domestic partner; and

9
10 (C) The right to receive support, income, or other distributions from a
11 trust or under a contract.

12
13 (2) Following the appointment of a conservator or guardian and the grant of
14 an initial fee waiver based on the financial condition of the conservatee
15 or ward, the conservator or guardian is the “person who received the
16 initial fee waiver” for purposes of Government Code section 68636(a),
17 whether or not he or she was the successful applicant for the initial
18 waiver. The conservator or guardian must report to the court any
19 changes in the financial condition of the conservatee or ward that affects
20 his or her ability to pay all or a portion of the court fees and costs that
21 were initially waived, including any changes in the financial condition
22 of the persons or property mentioned in subparagraphs (1)(A) and
23 (1)(B) of this subdivision of which the conservator or guardian becomes
24 aware after reasonable investigation.

25
26 (f) **Additional discretionary factors in the financial condition or**
27 **circumstances of a decedent’s, conservatee’s, or ward’s estate**

28
29 (1) The financial condition of the decedent’s, conservatee’s, or ward’s
30 estate for purposes of this rule may, in the court’s discretion, include
31 consideration of:

32
33 (A) The estate’s liquidity;

34
35 (B) Whether estate property or income is necessary for the support of
36 a person entitled to a family allowance from the estate of a
37 decedent, the conservatee or a person entitled to support from the
38 conservatee, or the ward; or

39
40 (C) Whether property in a decedent’s estate is specifically devised.

41
42 (2) If property of the estate is eliminated from consideration for initial
43 court fee waiver purposes because of one or more of the factors listed

1 in (1), the court may determine that the estate can pay a portion of court
2 fees, can pay court fees over time, or can pay court fees at a later time,
3 under an equitable arrangement within the meaning of Government
4 Code sections 68632(c) and 68634(e)(5). An equitable arrangement
5 under this paragraph may include establishment of a lien for initially
6 waived court fees against property distributable from a decedent's
7 estate or payable to the conservatee or ward or other successor in
8 interest at the termination of a conservatorship or guardianship.
9

10 **(g) Payment of previously waived court fees by a decedent's estate**

11
12 If the financial condition of the estate of a decedent is a change of financial
13 condition of a fee waiver applicant under this rule that results in withdrawal
14 of a previously granted initial waiver of fees in favor of a petitioner for the
15 appointment of a personal representative, the estate must pay to the court as
16 an allowable expense of administration fees and costs waived before the
17 court's order withdrawing the initial fee waiver.
18

19 **(h) Payment of previously waived court fees by the estate of a conservatee or**
20 **ward**

21
22 Upon establishment of a conservatorship or guardianship of the estate or
23 person and estate, the court may collect all or a portion of court fees
24 previously waived from the estate of the conservatee or ward, if the court
25 finds that the estate has the ability to pay the fees, or a portion thereof,
26 immediately, over a period of time, or under some other equitable agreement,
27 without using moneys that normally would pay for the common necessities
28 of life for the conservatee or ward and his or her family. The court must
29 comply with the notice and hearing requirements of the second paragraph of
30 Government Code section 68634(e)(5) to make the findings authorized in
31 this subdivision.
32

33 **(i) Civil actions in which a conservator or guardian is a party representing**
34 **the interests of a conservatee or ward**

35
36 In a civil action in which a conservator or guardian is a party representing the
37 interests of a conservatee or ward against another party or parties, for
38 purposes of Government Code sections 68631.5, 68636 and 68637:
39

40 (1) The conservator or guardian is the person with a duty to notify the
41 court of a change of financial condition under section 68636(a) and the
42 person the court may require to appear at a court hearing under sections
43 68636(b) and (c);

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(2) The conservatee or ward and the persons identified in subparagraphs (1)(A) and (B) of subdivision (e) of this rule is the person or persons whose change of financial condition or circumstances of which the court is to be notified under section 68636(a); and

(3) The conservatee or ward is the person or party whose initial fees and costs were initially waived under sections 68636(c) and 68637.

(j) Advances of court fees and costs by legal counsel

(1) Government Code section 68633(g)—concerning agreements between applicants for initial court fee waivers and their legal counsel for counsel to advance court fees and costs and court hearings to determine the effect of the presence or absence of such agreements on the applications—applies to proceedings described in this rule.

(2) Guardians, conservators, and petitioners for their appointment applying for initial fee waivers under this rule represented by legal counsel, and their counsel, must complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC), including items 2a and 2b, and, if a request to waive additional court fees is made, the *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC), including items 2a and 2b. The reference to “legal-aid type services” in these forms refers to legal services provided to an applicant by counsel for or affiliated with a qualified legal services project defined in Business and Professions Code section 6213.

(k) Expiration of initial court fee waivers in decedents’ estates, conservatorships, and guardianships

“Final disposition of the case” in conservatorship and guardianship proceedings for purposes of determining the expiration of fee waivers under Government Code section 68639 occurs on the later of the following events:

(1) Termination of the proceedings by order of court or under operation of law in conservatorships and guardianships of the person; or

(2) Discharge of personal representatives of decedent estates and discharge of conservators or guardians of estates.

Clerk stamps date here when form is filed.

DRAFT

**NOT APPROVED BY
THE JUDICIAL COUNCIL**

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

If the ward or conservatee (including a proposed ward or conservatee if a petition for appointment of a guardian or conservator has been filed but has not yet been decided by the court) directly receives public benefits or is supported by public benefits received by another for his or her support, is a low-income person, or does not have enough income to pay for his or her household's basic needs and the court fees, you may use this form to ask the court to waive the court fees. The court may order you to answer questions about the finances of the ward or conservatee. If the court waives the fees, the ward or conservatee, his or her estate, or someone with a duty to support the ward or conservatee, may still have to pay later if:

- You cannot give the court proof of the ward's or conservatee's eligibility,
- The ward's or conservatee's financial situation improves during this case, or
- You settle the civil case on behalf of the ward or conservatee for **\$10,000** or more. The trial court that waives fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge the ward or conservatee, or his or her estate, any collection costs.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (*guardian or conservator, or person asking the court to appoint a guardian or conservator*):

Name: _____ Phone number: _____
 Street or mailing address: _____
 City: _____ State: ___ Zip: _____

2 Your Lawyer (*if you have one*): Name: _____

Firm or Affiliation: _____ State Bar No.: _____
 Address: _____ Telephone: _____
 City: _____ State: ___ Zip: _____ E-mail: _____

a. The lawyer has agreed to advance all or a portion of court fees or costs (*check one*): Yes No

b. (*If yes, your lawyer must sign here.*) Lawyer's signature: _____
If your lawyer is not providing legal-aid type services based on your or the ward's or conservatee's low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Ward's or Conservatee's Information (*file a separate Request for each ward in a multi-ward case*):

Name: _____ Age and date of birth (*ward only*): _____
 Street or mailing address: _____
 City: _____ State: ___ Zip: _____
 Phone number: _____

4 Ward's or Conservatee's Lawyer, if any: Name: _____

Firm or Affiliation: _____ State Bar No.: _____
 Address: _____ Telephone: _____
 City: _____ State: ___ Zip: _____ E-mail: _____

5 Ward or Conservatee's Job (*job title; if not employed, so state*): _____

Name of employer: _____
 Employer's address: _____ State: ___ Zip: _____



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

6 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

7 Check here if you asked the court to waive court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here):

8 Why are you asking the court to waive the ward's or conservatee's court fees?

- a. The ward or conservatee and his or her family members who live with or provide the ward or conservatee with financial support receive (check all that apply):
- Supplemental Security Income (SSI) State Supplemental Payment (SSP) SNAP (Food Stamps)
 - IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF Medi-Cal
 - County Relief/General Assistance CAPI (Cash Assistance Program for Aged, Blind, and Disabled)
- (Names and relationships to ward or conservatee of persons who receive the public benefits listed above): _____

b. The gross monthly income of the ward's or conservatee's household (before deductions for taxes) is less than the amount listed below. (If you check 8b, you **must** fill out items 14, 15, 16, and 17 on page 4 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,226.05	3	\$2,092.71	5	\$2,959.38
2	\$1,659.38	4	\$2,526.05	6	\$3,392.71

If more than 6 people at home, add \$433.34 for each extra person.

- c. The ward's or conservatee's household does not have enough income to pay for its basic needs and the court fees. I ask the court to (check one, and you **must** fill out items 14, 15, 16, 17, and 18 on page 4):
- (i) Waive all court fees and costs.
 - (ii) Waive some court fees and costs.
 - (iii) Let the (proposed) guardian or conservator, on behalf of the (proposed) ward or conservatee, make payments over time.

Guardians or petitioners for their appointment must complete items 9 and 10.

9 Ward's Estate: Person only, no estate. Inventory or petition estimated value: _____

Source (e.g., gift, inheritance, settlement): _____

Estim. collection date: _____

10 Ward's Parents' Information:

- a. Name of ward's father: _____ Deceased (date of death): _____
 Street or mailing address: _____
 City: _____ State: ___ Zip: _____
 Phone number: _____
 Name of employer (if none, so state): _____
 Employer's address: _____ State: ___ Zip: _____
- b. Name of ward's mother: _____ Deceased (date of death): _____
 Street or mailing address: _____
 City: _____ State: ___ Zip: _____
 Phone number: _____
 Name of employer (if none, so state): _____
 Employer's address: _____ State: ___ Zip: _____
- c. Ward's parents are (check all that apply): married living together separated divorced
 Support order for ward? No Yes Payable to (name): _____
 Payor (name): _____
 Court: _____ Case Number: _____
 Date of order (if multiple, date of latest): _____ Monthly amount: _____



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

Conservators or petitioners for their appointment must complete items 11–13.

11 Conservatee’s Estate: Person only, no estate.

Inventory or petition estimated value: _____

Est. collection date: _____

12 Conservatee’s Spouse’s or Registered Domestic Partner’s Information:

Name of conservatee’s spouse or registered domestic partner: _____ Spouse Partner

Date of marriage or partnership: _____ Deceased (*date of death*): _____

Street or mailing address: _____ Phone number: _____

City: _____ State: ___ Zip: _____

Name of employer (*if none, so state*): _____

Employer’s address: _____ State: ___ Zip: _____

The conservatee’s spouse or partner is is not managing or, following appointment of a conservator is planning to manage, some or all of the couple’s community property outside the conservatorship estate.

If you selected “is” above: The income, money, and property shown on page 4 includes does not include the income and property managed, or expected to be managed, by the spouse/partner outside the estate.

13 The Conservatee and Trusts:

The conservatee:

- a. Is Is not a trustor or settlor of a trust.
- b. Is Is not a trustee or former trustee of a trust.
- c. Is 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 14–18 at the top of 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



Name of (Proposed) Ward or Conservatee:

Case Number:

If you checked 8a on page 2, do not fill out below. If you checked 8b, you must answer questions 14-17. 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.

14 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 his or her average income for the past 12 months.

15 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 job-related expenses, gambling or lottery winnings, etc.

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

b. Total monthly income: \$

16 Ward's or Conservatee's Household Income

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 him or her for support, or on whom he or she depends in whole or in part for support.

Table with columns: Name, Age, Relationship, Gross Monthly Income. Rows (1) through (4).

b. Total monthly income of persons above: \$

Total monthly income and household income (15b plus 16b): \$

17 Ward's or Conservatee's Money and Property

a. Cash \$

b. All financial accounts (list bank name and amount):

- (1) \$
(2) \$
(3) \$

c. Cars, boats, and other vehicles

Table with columns: Make / Year, Fair Market Value, How Much You Still Owe. Rows (1) through (3).

d. Real estate

Table with columns: Address, Fair Market Value, How Much You Still Owe. Rows (1) through (2).

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Table with columns: Describe, Fair Market Value, How Much You Still Owe. Rows (1) through (2).

18 Ward's or Conservatee's Monthly Deductions and Expenses

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

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

b. Rent or house payment and maintenance \$

c. Food and household supplies \$

d. Utilities and telephone \$

e. Clothing \$

f. Laundry and cleaning \$

g. Medical and dental expenses \$

h. Insurance (life, health, accident, etc.) \$

i. School, child care \$

j. Child, spousal support (another marriage) \$

k. Transportation, gas, auto repair and insurance \$

l. Installment payments (list each below):

Table with columns: Paid to, (1) \$, (2) \$, (3) \$

m. Wages/earnings withheld by court order \$

n. Any other monthly expenses (list each below). \$

Table with columns: Paid to, How Much?, (1) \$, (2) \$, (3) \$

Total monthly expenses (add 18a-18n above): \$

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.

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.

- 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 a reporter is provided by the court.
 - 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
 - Having a court-appointed interpreter in small claims court
- 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
- If you want the Appellate Division of 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
 - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
 - SSP—State Supplemental Payment
 - County Relief/General Assistance—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
 - CAPIC—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. (Government Code, section 68637(d), (e), and 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 to 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.

Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)

CONFIDENTIAL

Clerk stamps date here when form is filed.

DRAFT

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This form must be used by a guardian or conservator, or a petitioner for the appointment of a guardian or conservator, in the guardianship or conservatorship proceeding or in any other civil action in which the guardian or conservator represents the interest of the ward or conservatee as a plaintiff or defendant, to ask the court to waive *additional* court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a *Request to Waive Court Fees (Ward or Conservatee)*, form FW-001-GC, along with this form.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (*guardian or conservator, or person asking the court to appoint a guardian or conservator*):

Name: _____

Street or mailing address: _____

City: _____ State: ____ Zip: _____

Phone number: _____

2 Your Lawyer (*if you have one*): Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Telephone: _____

City: _____ State: ____ Zip: _____ E-mail: _____

- a. The lawyer has agreed to advance all or a portion of your fees or costs (*check one*): Yes No
(If yes, your lawyer must sign here.) Lawyer's signature: _____
- b. *If your lawyer is not providing legal-aid type services based on the ward's or conservatee's low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.*

3 Ward's or Conservatee's Information (*file a separate Request for each ward in a multi-ward case*):

Name: _____ Age and date of birth (*ward only*): _____

Street or mailing address: _____

City: _____ State: ____ Zip: _____

Phone number: _____

4 Ward's or Conservatee's Lawyer, if any: Name: _____

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Telephone: _____

City: _____ State: ____ Zip: _____ E-mail: _____

5 Date ward's or conservatee's *last* court fee waiver order, if any, was granted: _____

6 Has the ward's or conservatee's financial situation improved since your last *Request to Waive Court Fees*?

No Yes
(If yes, you must fill out a new Request to Waive Court Fees, form FW-001-GC, and attach it to this form.)



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

7 What other fees do you want the court fee waiver order to cover? (Check all that apply):

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

8 Why does the ward or conservatee need these other services? (Explain):

Notice: The court may order you to answer questions about the finances of the ward or conservatee and later order you, as guardian or conservator of his or her estate, to pay back waived 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 the fees are not paid back, the court may also charge collection fees.

If there is a change in the financial circumstances of the ward or conservatee 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 for this purpose.)

If this case is a civil action against another person on behalf of the ward or conservatee and you win it, the trial court may order the other side to pay the fees. If you settle the case against another person for **\$10,000** or more payable to the ward's or conservatee's estate, 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.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Print your name here



Sign here

Clerk stamps date here when form is filed.

DRAFT

**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
 - Giving notice and certificates
 - Making copies and certifying copies
 - Sending papers to another court department
 - Sheriff's fee to give notice
 - Court-appointed interpreter in small claims court
 - Court fee for phone hearing
- (*List continued on next page.*)



- 6 a. (1) • Reporter's fee for attendance at hearing or trial, if reporter provided by the court
 • 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.

Name and address of court if different from above:



Date: _____ Time: _____
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.

Clerk stamps date here when form is filed.

DRAFT

**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.

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: _____

Case Number:

Case Name:

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
- Court-appointed interpreter in small claims court
- Reporter's fee for attendance at hearing or trial, if reporter provided by the court
- 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

Clerk stamps date here when form is filed.

DRAFT

**Not Approved
by the
Judicial Council**

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:

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 Date of order denying your request to waive court fees for the (proposed) ward or conservatee (month/day/year): _____

(Check here if you have a copy of the order denying your request, and attach it to this form.)

6 I ask the court for a hearing on my fee waiver request so that I can bring more information about the (proposed) ward's or conservatee's financial situation.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office for *Request for Accommodation*, form MC-410.



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

- 7 The additional facts that support my request for a fee waiver are *(describe)*:
(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.)

Date: _____

Type or print your name



Sign your name

Draft

**Not Approved by the
Judicial Council**

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:

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 received your request for a hearing about the ward's or conservatee's court fees on (date): _____.

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

6 The court grants your request for a hearing on the eligibility of the ward or conservatee for a fee waiver. **Go to your court hearing** on the date below. You may bring information about the ward or conservatee's financial situation to the hearing.

Name and address of court if different from above:



→ Date: _____ Time: _____

Dept.: _____ Room: _____



Request for Accommodations: Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8(f))



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

- 7 The court **denies** your request for a hearing because (*check all that apply*):
- a. The hearing request was not filed within ten days after the clerk gave notice of the denial of the request for a fee waiver. (Government Code section 68634(g).)
 - b. No request to waive fees has been denied by the court in your action or proceeding.
 - c. Other (*explain*): _____

Date: _____



Signature of (*check one*): Judicial Officer Clerk, Deputy

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 parties 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 parties 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

**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 [X] 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.



- 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
 - Sheriff's fee to give notice
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter in small claims court
 - Reporter's fee for attendance at hearing or trial, if reporter provided by the court
 - 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
- (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 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.

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

Not Approved by the Judicial Council

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:

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 Date of the last court fee waiver order in this case (date): _____

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 are additional changes 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 another copy of this form.)

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** The ward’s or conservatee’s financial situation has changed since the date of the last court fee waiver order in a way that improves my ability as guardian or conservator to pay court fees and costs. I ask the court to do one of the following:
 - a. **End** the ward’s or conservatee’s fee waiver because his or her financial situation has improved and I am able to pay court fees and costs that are due after (date): _____.
 - b. **Review** the ward’s or conservatee’s updated financial information in the attached *Request to Waive Court Fees*. I believe the ward or conservatee is still eligible for a fee waiver. (Complete form FW-001-GC and attach to this form.)



Name of (Proposed) Ward or Conservatee:

Case Number:

- 7 The ward's or conservatee's case has settled for (*check one*) less than \$10,000
 \$10,000 or more (*if so, complete a, b, and c below.*)
- a. The conservator (*check one*): has has not received the proceeds of the settlement.
- b. The name and address of the party who has agreed to pay the settlement:
- c. That party's attorney, if any (*name, firm or affiliation, address, e-mail, phone number, and State Bar number*):

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Print your name here



Sign here

Clerk stamps date here when form is filed.

Draft**Not Approved by
the Judicial Council**

Warning: If you do not go to the hearing on the date and time below, the court may cancel the (proposed) ward's or conservatee's fee waiver.

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 has information that (check all that apply):

a. The ward's or conservatee's financial situation may have changed, or he or she may no longer be eligible for a fee waiver because (*explain*):

b. You may be increasing the costs of the ward's or conservatee's case unnecessarily. The fee waiver for the court services you are using may be limited because (*explain*):

c. The ward's or conservatee's case (or his or her guardianship or conservatorship proceeding) is coming to an end, and the court requires some information about his or her eligibility to have court fees waived.

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:**

Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

6 You must go to court on the date below:

	→ Date: _____	Time: _____	Name and address of court if different from that shown on page 1:
	Dept.: _____	Rm.: _____	

Bring the following information if reasonably available:

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 five 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 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

Clerk stamps date here when form is filed.

Draft

**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:

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:



- 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
 - Court-appointed interpreter
 - 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 reporter provided by court
 - Other (specify):



Name of (Proposed) Ward or Conservatee:

Case Number:

d. (3) Other modification:

e. Other Order:

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

INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES (SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. If you are a party other than the party who filed the appeal or the petition, you must also generally pay a fee when you file your first document in a case in the Court of Appeal or Supreme Court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk's transcript in an appeal. However, if you cannot afford to pay these court fees and costs, you may ask the court to issue an order saying you do not have to pay these fees (this is called "waiving" these fees).

1. Who can get their court fees waived? The court will waive your court fees and costs if:

- **You are getting public assistance**, such as Medi-Cal, Food Stamps, Supplemental Security Income (not Social Security), State Supplemental Payment, County Relief/General Assistance, In-Home Supportive Services, CalWORKS, Tribal Temporary Assistance for Needy Families, or Cash Assistance Program for Aged, Blind, and Disabled.
- **You have a low income level**. Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,226.05	3	\$2,092.71	5	\$2,959.38
2	\$1,659.38	4	\$2,526.05	6	\$3,392.71

If more than 6 people at home, add \$433.34 for each extra person.

- **You do not have enough income to pay for your household's basic needs *and* your court fees .**

2. What fees and costs will the court waive? If you qualify for a fee waiver, the Supreme Court, Court of Appeal, or Appellate Division will waive the filing fee for the notice of appeal, a petition for a writ, a petition for review, or the first document filed by a party other than the party who filed the appeal or petition, and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk's transcript on appeal, the fee for the court to hold in trust the deposit for a reporter's transcript on appeal under rule 8.130(b) or rule 8.834(b) of the California Rules of Court, and the fees for making a transcript or copy of an official electronic recording under rule 8.835. If you are the appellant (the person who is appealing the trial court decision), the fees waived include the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk's transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), the fees waived include the costs for sending you a copy of the clerk's transcript. You can also ask the trial court to waive other necessary court fees and costs.

The court **cannot** waive the fees for preparing a reporter's transcript in a civil case. A special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See <http://www.courtreportersboard.ca.gov/consumers/index.shtml#trf> and Business and Professions Code sections 8030.2 and following for more information about this fund.) If you are unable to pay the cost of a reporter's transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement.

3. How do I ask the court to waive my fees?

- **Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less)**. In a limited civil case, if the trial court already issued an order waiving your court fees *and that fee waiver has not ended* (fee waivers automatically end 60 days after the judgment), the fees and costs identified in item 2 above are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed), the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk's transcript or telephonic oral argument, are due.

- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **If You Are a Guardian or Conservator.** If you are a guardian or conservator or a petitioner for the appointment of a guardian or conservator, special rules apply to your request for a fee waiver on an appeal from an order in the guardianship or conservatorship proceeding or in a civil action in which you are a party acting on behalf of your ward or conservatee. Complete and submit a *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) to request a fee waiver. See California Rules of Court, rule 7.5.
- **Appeal in Other Civil Cases.** If you want the court to waive fees and costs in an appeal in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal or, if you are a respondent (a party other than the one who filed the appeal), the fee for the first document you file in the Court of Appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended*, you do not need to check the first box; the fees and costs identified in item 2 above are already waived, just give the court a copy of your current fee waiver). If you are the appellant, the completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent, the completed form should be submitted at the time the fee you are asking the court to waive is due. For example, file the form in the trial court with your request for a copy of the clerk's transcript if you are asking the court to waive the transcript fee or file the form in the Court of Appeal with the first document you file in that court if you are asking the court to waive the fee for filing that document. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). If you are the petitioner (the party filing the petition), the completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court or Court of Appeal.
- **Petition for Review.** If you want to request that the Supreme Court waive the fees in a petition for review proceeding, you must complete a *Request to Waive Court Fees* (form FW-001) or a *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you are the petitioner, you should submit the completed form with your petition for review. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court.

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you settle your case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

APP-016-GC/FW-016-GC **Order on Court Fee Waiver**
(Court of Appeal or Supreme Court)
(Ward or Conservatee)

Clerk stamps date here when form is filed.

Draft

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: _____
E-mail: _____ Telephone: _____

Fill in court name and street address:

3 (Proposed) ward or conservatee:
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

**Court of Appeal or Supreme Court
Case Number:**

4 Ward's or Conservatee's Lawyer, if any: Name: _____
Firm or Affiliation: _____ State Bar No.: _____
Address: _____ Telephone: _____
City: _____ State: _____ Zip: _____ E-mail: _____

5 On (date): _____, you filed a *Request to Waive Court Fees* (form FW-001-GC).

- 6** The court reviewed your request and makes the following order:
- a. The court **grants** your request and waives the (proposed) ward's or conservatee's court fees and costs listed below. You do not have to pay fees for the following:
 - Filing notice of appeal, petition for writ, or petition for review
 - Other (*specify*): _____

 - b. The court **denies** your request for the following reasons:
 - (1) Your request is incomplete. You have **10 days** from the date this notice was sent to:
 - Pay the (proposed) ward's or conservatee's fees and costs, or
 - File a new revised request that includes the items listed below (*specify incomplete items*): _____

Warning! If you miss the deadline for paying the (proposed) ward's or conservatee's fees and costs or providing the additional items required by the court and you are the appellant, your appeal may be dismissed.



- 6 b. (2) The information you provided on the request shows that the (proposed) ward or conservatee is not eligible for the fee waiver you requested for the following reasons (*specify*):

You have **10 days** from the date this notice was sent to:

- Pay the (proposed) ward's or conservatee's fees and costs, or
- File more information that shows that he or she is eligible for a fee waiver.

- (3) The court finds there is substantial question regarding the (proposed) ward's or conservatee's eligibility (*describe issue(s) regarding eligibility*):

You have **10 days** from the date this notice was sent to:

- Pay the (proposed) ward's or conservatee's fees and costs, or
- File the following additional documents to support your request:

- c. The court needs more information. **You must go to court** on the date below.

Hearing Date → Date: _____ Time: _____ Dept.: _____
 Name and address of court if different from page 1: _____

- Bring the following proof to support your request, if it is reasonably available:

Warning! If item 6 c. is checked and you do not go to court on the hearing date, the court will deny your request to waive court fees for the (proposed) ward or conservatee and you will have **10 days** to pay those fees. If you are the appellant and you do not pay the filing fees, your appeal may be dismissed.

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy