

REFERENCE TITLE: civil legal services fund; fees

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1016

Introduced by
Senator Waring

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-137; AMENDING SECTION 12-284, ARIZONA REVISED STATUTES; RELATING TO CIVIL LEGAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
 2 Section 1. Title 12, chapter 1, article 2, Arizona Revised Statutes,
 3 is amended by adding section 12-137, to read:

- 4 12-137. Civil legal services fund; report
 5 A. EACH COUNTY TREASURER SHALL ESTABLISH A CIVIL LEGAL SERVICES FUND
 6 CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION 12-284, SUBSECTION B.
 7 B. THE PRESIDING JUDGE OF THE SUPERIOR COURT IN COOPERATION WITH THE
 8 COUNTY BOARD OF SUPERVISORS SHALL ADMINISTER THE FUND AND SPEND MONIES IN THE
 9 FUND TO PROVIDE MONIES TO ORGANIZATIONS THAT RECEIVE MONIES FROM THE LEGAL
 10 SERVICES CORPORATION ESTABLISHED BY 42 UNITED STATES CODE SECTION 2996b AND
 11 THAT PROVIDE CIVIL LEGAL SERVICES TO RESIDENTS OF THE COUNTY.
 12 C. THE COUNTY TREASURER SHALL INVEST MONIES IN THE FUND AND MONIES
 13 EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.
 14 D. ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COUNTY TREASURER SHALL
 15 SUBMIT AN ANNUAL REPORT TO THE PRESIDING JUDGE OF THE SUPERIOR COURT AND TO
 16 THE BOARD OF SUPERVISORS INDICATING THE TOTAL AMOUNT OF MONIES IN THE FUND.

17 Sec. 2. Section 12-284, Arizona Revised Statutes, is amended to read:
 18 12-284. Fees

19 A. Except as otherwise provided by law, the clerk of the superior
 20 court shall receive fees classified as follows:

21 Class	Description	Fee
22 A	Initial case filing fee	
23	Tax case	115.00 \$120.00
24	Filing complaint or petition	115.00 120.00
25	Filing intervenor	115.00 120.00
26	Additional plaintiffs	115.00 120.00
27	Filing foreign judgment	115.00 120.00
28	Ownership of real property becomes an issue plaintiff	115.00 120.00
29	Appellant	
30	(except under sections 12-1809 and 13-3602)	115.00 120.00
31	Change of venue to this county	115.00 120.00
32	Petition for change of name	115.00 120.00
33	Filing a process server application	115.00 120.00
34 B	Subsequent case filing fee	
35	Filing answer or initial appearance	\$ 61.00
36	Additional defendants	61.00
37	Notice of appeal to appellate courts	
38	(except under section 12-2107)	61.00
39	Cross-appeal by appellee (except under section 12-2107)	61.00
40	Ownership of real property becomes an issue defendant	61.00
41	Jurisdiction exceeded appellee	
42	(within 20 days of filing)	61.00
43	Response to show cause that does one or more	
44	of the following:	

1	1. Requests affirmative relief or	
2	counterrelief	
3	2. Attacks the sufficiency of process or the	
4	proceedings	
5	3. Takes other affirmative action	61.00
6	C Initial case filing fee	
7	Filing petition for annulment	\$ 91.00
8	Filing for dissolution/legal separation petition	91.00
9	Petition in formal testacy or appointment	
10	proceeding	91.00
11	Application for informal probate or informal	
12	appointment	91.00
13	Petition for supervised administration petition	
14	to appoint guardian	91.00
15	Petition to appoint conservator or make other	
16	protective order	91.00
17	Opposing petition in testacy or appointment	
18	proceedings or appointment of guardian or	
19	conservator	91.00
20	Single estate application or petition under	
21	title 14, chapter 3, section 14-3938	91.00
22	Domestic relations case for which a fee is not	
23	specifically prescribed	91.00
24	D Subsequent case filing fee	
25	Filing answer to annulment	\$ 46.00
26	Filing for dissolution/legal separation answer	46.00
27	Any person opposing contested petition if no	
28	prior payment made	46.00
29	Postadjudication petitions in	
30	domestic relations cases	46.00
31	Postjudgment activities in probate cases	46.00
32	E Minimum clerk fee	
33	Filing power of attorney	\$ 18.00
34	Change of venue to another county transmittal	
35	fee	18.00
36	Change of venue to another county pursuant to	
37	section 12-404 transmittal fee	18.00
38	Filing transcript and docketing judgment from	
39	any courts	18.00
40	Issuance of writs of: attachment, execution,	
41	possession, restitution, prohibition and	
42	enforcement of order of judgment-garnishment	18.00
43	Certified copy or abstract of marriage	
44	application or license	18.00

1	Filing oath and bond of notary public	18.00
2	Certificate of correctness of copy of record	18.00
3	Justice of peace certificate	18.00
4	Notary public certificate	18.00
5	Each certificate of clerk to any matter in	
6	clerk's record not specifically provided	18.00
7	Filing any paper or performing any act for which	
8	a fee is not specifically prescribed	18.00
9	Subpoena - (civil)	18.00
10	Research in locating a document (per year or	
11	source researched)	18.00
12	Exemplification (per certification)	18.00
13	Authentication (per certification)	18.00
14	Seal a court file	18.00
15	Reopen a sealed court file	18.00
16	Retrieve bank records	18.00
17	Reel of film alpha index per year (plus per page	
18	fee below)	18.00
19	Payment history report	18.00
20	Certification under one document certification	18.00
21	Civil traffic appeal	18.00
22	F Per page fee	
23	Making copies (on appeal and on request)	
24	per page	\$.50
25	Making extra copies per page	.50
26	Making photographic or photostatic copies	
27	per page	.50
28	Comparison fee of papers furnished by applicant	
29	per page	.50
30	Alpha index per page	.50
31	G Special fees	
32	Small claim tax case	\$ 15.00
33	Marriage license and return of a	
34	marriage license	50.00
35	Postage and handling	5.00
36	Notary services	5.00
37	Stop payment on check	10.00

38 B. The clerk of the superior court shall receive the fees prescribed
39 in subsection A of this section. FIVE DOLLARS OF EACH FILING FEE THAT IS
40 CHARGED UNDER CLASS A IN SUBSECTION A OF THIS SECTION SHALL BE USED
41 EXCLUSIVELY TO FUND ORGANIZATIONS THAT PROVIDE LEGAL SERVICES TO INDIGENT
42 PERSONS IN CIVIL CASES AND THAT PRESENTLY RECEIVE MONIES FROM THE LEGAL
43 SERVICES CORPORATION ESTABLISHED BY 42 UNITED STATES CODE SECTION 2996b.
44 EACH MONTH THE CLERK SHALL TRANSMIT THESE MONIES TO THE COUNTY TREASURER FOR

1 DEPOSIT IN THE CIVIL LEGAL SERVICES FUND ESTABLISHED BY SECTION 12-137. THE
2 REMAINING FEES SHALL BE USED for the following services:

3 1. Making copies of papers and records required to be made by the
4 clerk on appeal, and copies of papers and records in the clerk's office made
5 on request in other cases, for each legal size page of original.

6 2. Making extra copies of the papers and records mentioned in
7 paragraph 1 of this subsection, required or requested for each page of copy
8 of such papers and records.

9 3. In a clerk's office, in which a photographic or photostatic method
10 of recording is used or is available for use in cooperation with other public
11 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection
12 for each page of copy or fraction of a page of copy. Portions of several
13 pages of records may be combined in one page of copy. The clerk may prepare
14 an abstract of marriage in lieu of a reproduction of the recorded marriage
15 license. The fee shall apply to matters whether recorded in such office by
16 longhand, typing, electronic, photographic or photostatic methods. The fees
17 for copies are exclusive of the fees for certification or authentication.

18 4. Issuing a certificate as to official capacity of a notary public or
19 justice of the peace and affixing a seal to the certificate.

20 5. Each subpoena issued in a civil proceeding or filing any paper or
21 performing any act for which a fee is not specifically prescribed by law, but
22 the clerk shall not charge for the clerk's services in administering the oath
23 in connection with any affidavit, petition, letters or other pleading or
24 document which, after administration of the oath therefor, is promptly filed
25 by the clerk and becomes a part of a case or matter of record in the office
26 of the clerk.

27 C. In addition to the fees required by subsection A of this section,
28 the clerk shall charge and collect a surcharge of fifteen dollars for each
29 filing of a postadjudication petition in a domestic relations case for which
30 a fee presently is charged under class D in subsection A of this
31 section. The surcharge shall be used exclusively to fund domestic relations
32 education and mediation programs established pursuant to section
33 25-413. Each month the clerk shall transmit the monies the clerk collects
34 pursuant to this subsection to the county treasurer for deposit in the
35 domestic relations education and mediation fund established by section
36 25-413.

37 D. Excluding the monies that are collected pursuant to subsection C of
38 this section, each month the clerk shall transmit seventy-five per cent of
39 the monies collected for subsequent case filing fees for postadjudication
40 petitions in domestic relations cases under class D in subsection A of this
41 section to the county treasurer for deposit in the expedited child support
42 and parenting time fund established pursuant to section 25-412. The
43 remaining twenty-five per cent of the monies collected pursuant to this
44 subsection shall be distributed pursuant to section 12-284.03.

1 E. At the commencement of each action for annulment, dissolution of
2 marriage, legal separation, maternity or paternity, the petitioner shall pay
3 to the clerk of the court the initial case filing fee for the action provided
4 in subsection A of this section. At the time of filing a response, the
5 respondent shall pay to the clerk of the court the subsequent case filing fee
6 for the action provided in subsection A of this section. In each county
7 where the superior court has established a conciliation court, the petitioner
8 and respondent shall each pay to the clerk a sixty-five dollar fee. The
9 monies from the additional fee shall be used to carry out the purposes of the
10 conciliation court pursuant to title 25, chapter 3, article 7.

11 F. In garnishment matters:

12 1. A fee shall not be charged for filing an affidavit seeking only the
13 release of exempt wages.

14 2. A fee shall not be charged for filing a garnishee's answer, for
15 filing a judgment against the garnishee or for the issuance or return of
16 process incident to such a judgment.

17 3. For any contest relating to or any controversion of a garnishment
18 matter, unless the contesting party has paid an appearance fee in that cause,
19 the required appearance fee shall be paid, except that the garnishee shall
20 not pay a clerk's fee.

21 G. A person who is cited to appear and defend an order to show cause
22 shall not be charged an appearance fee. The person may stipulate to or
23 consent to the entry of an order without the payment of an appearance
24 fee. An appearance fee shall be paid if the person is present in person or
25 by an attorney and does one or more of the following:

26 1. Requests affirmative relief or counterrelief.

27 2. Attacks the sufficiency of process or the proceedings.

28 3. Takes other affirmative action.

29 H. A petitioner shall not be charged a fee for requesting an order of
30 protection pursuant to section 13-3602 or an injunction against harassment
31 pursuant to section 12-1809. A defendant shall not be charged an answer fee
32 in an order of protection action if the defendant requests a hearing pursuant
33 to section 13-3602, subsection I or in an injunction against harassment
34 action if the defendant requests a hearing pursuant to section 12-1809,
35 subsection H.

36 I. A person who files a registrar's order pursuant to section
37 32-1166.06 shall not be charged a fee.

38 J. The clerk of the court shall charge and collect a forty-six dollar
39 filing fee for a petition for emancipation of a minor filed pursuant to
40 chapter 15 of this title. Each month the clerk shall transmit the monies the
41 clerk collects pursuant to this subsection to the county treasurer for
42 deposit in the emancipation administrative costs fund established by section
43 12-2456.

1 K. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION AND except for
2 monies that are collected pursuant to subsections C, D, E and J of this
3 section, the clerk of the superior court shall transmit monthly to the county
4 treasurer all monies collected pursuant to this section for distribution or
5 deposit pursuant to section 12-284.03.